

A Compendium of Māori Data



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DEFINITION OF MĀORI DATA



Māori as with many other Indigenous Peoples are one with the land and the water. Without the natural resources we are not Indigenous Peoples. History, customs, and knowledge bind us together in a complex genealogical hierarchy.

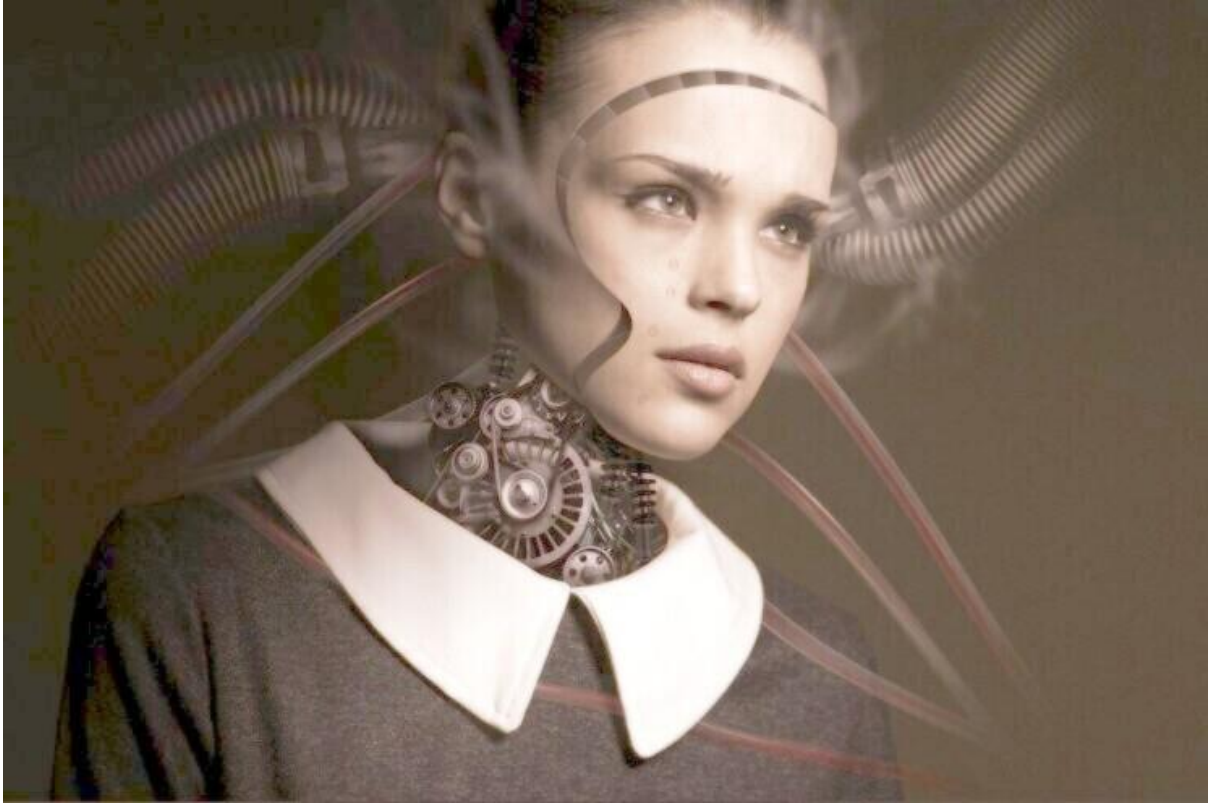
Māori custom does not see a difference between our land and our data. Our data has the same sort of connections as a land does, but it is just a different format. To protect our data and we need to recognise that it is collectively owned by whānau, hapū, iwi and Māori organisations. Not one individual can own our data or should own our data. No non-Māori individual or group can own Māori data.

There are also the cultural considerations of the origins of the data, the mauri of the data, what rights does the person who gave that data have, what rights do they actually give the person who is collecting it or the organisation? This also creates issues about Māori data about the living being stored with Māori data about the dead.

Māori Data is:

Datum, data, information or knowledge in any format or medium, which is about, from, is produced by Māori Peoples, whānau, hapū, iwi or Māori organisations either collectively or individually, describes Māori Peoples, whānau, hapū, iwi and Māori organisations and their environments, has relationships with, or is made by Māori Peoples, whānau, hapū, iwi and Māori organisations or contains any Māori Peoples, whānau, hapū, iwi and Māori organisations content or association or may affect Māori, whānau, hapū, iwi and Māori organisations. Māori Data are a living taonga and are of strategic value to Māori Peoples, whānau, hapū, iwi and Māori organisations (Taiuru, 2020).

DEFINITIONS OF MĀORI DATA SOVEREIGNTY



Māori Data Sovereignty – a definition

Māori Data Sovereignty refers to the inherent rights and interests Māori, whānau, hapū, iwi and Māori organisations have in relation to the creation, collection, access, analysis, interpretation, management, dissemination, re-use, and control of data relating to Māori, whānau, hapū, iwi and Māori organisations as guaranteed in Article II of Te Tiriti/Treaty of Waitangi (Taiuru, K., 2020).

This definition is the umbrella definition of Māori Data Sovereignty and should be adapted depending on the circumstances as seen under the following headings ‘Whānau, Hapū, Marae, Rōpū & Iwi’ in this section.

The above definition firstly recognises the Te Tiriti commitment by the Crown to Māori and that the term Iwi is a post-colonial construct grouping whānau, individuals, marae, and other groups into the one heading (See Glossary for detailed explanation).

The above definition also reflects that WAI 262 which set the foundation for data as a taonga was lodged by individuals who were experts in tikanga/mātauranga Māori. That, furthermore, communications with their individual descendants are occurring with The Crown.

The definition also reflects that the WAI 2522 TTPA claim that addressed Māori Data recognised some Māori Data has mātauranga¹.

¹ <https://waitangitribunal.govt.nz/news/tribunal-releases-report-on-electronic-commerce-chapter-in-cpttp/>

Te Mana Rauranga definition of Māori Data Sovereignty

Māori Data Sovereignty recognises that Māori data should be subject to Māori governance. Māori data sovereignty supports tribal sovereignty and the realisation of Māori and Iwi aspirations².

Te Mana Rauranga created the above definition which is widely referenced by The Crown. Unfortunately, it ignores (a) Te Tiriti (b) He Whakaputanga (c) whānau, individuals, marae, and other Māori societal groups (d) UNDRIP which protects all Māori society (e) the fact that Hapū leaders signed Te Tiriti as Hapū leaders, not as Iwi (f) many other conflicts to traditional Māori society beliefs and social/political structures.

Iwi

The fact that Iwi did not sign Te Tiriti nor He Whakaputanga, but that over 500 rangatira signed Te Tiriti as representatives of their hapū and 42 northern Rangatira signed He Whakaputanga on behalf of their hapū is overlooked in this definition. By doing this, it allows The Crown to engage with only with only one Iwi group, the Iwi Leaders Forum, and their sub group the Iwi Leaders Data Forum via an Ōrite Agreement, as StatsNZ has done³.

The Iwi Leaders Forum represents a portion of Iwi (about 50) while StatsNZ recognise 170 Iwi consisting of modern confederations, corporate iwi structures, negotiating groups while ignoring other pre-colonisation Iwi which feature in whakapapa and histories.

Post treaty settlements era, the aspirations of Iwi are very different from Iwi to Iwi. Some Iwi are multi-million-dollar corporates, while other Iwi have no finances or property and are seeking to reclaim their identity and negotiate treaty settlements. It is likely based on pre-colonial Māori histories of migration, warfare, and tribal mergers, that most Māori individuals have more than one Iwi.

If only recognising Iwi with Data Sovereignty, there is a potential to create a new sub class of Māori who do not know their iwi. StatsNZ Census 2018 states only 20% of Māori Peoples know or engage with their Iwi.

² <https://www.temanararaunga.maori.nz/>

³ <https://stats.govt.nz/about-us/what-we-do/mana-orite-relationship-agreement/>

Examples include:

Ngāi Tahu tribe. In the 2013 Census ⁴, people who affiliated to Ngāi Tahu was 54,819 while tribal registrations at the time was at least 20,000 less. Researcher Dr Eruera Tarena identified that less than 10% of Ngāi Tahu registered members interact with Ngāi Tahu, and those who do are usually politically motivated and from influential families⁵.

Under legislation, Te Rūnanga o Ngāi Tahu require the agreement of 18 Papatipu rūnanga (tribal councils) to make significant decisions⁶. Considering this is a \$1Billion plus large multi-level corporation with no established Science or Technology division and the fact there is no tribal representative on the Iwi Leaders Forum Data group, it must be asked how does the tribe provide input into a what is perceived subcommittee on Māori data (there is no public information on the web site and no public details of this committee, despite other committees being public)?

Three further examples of public disagreements with Iwi who have been forced into a western Eurocentric structure. Tūhoe Iwi who are at difference with their own hapū over decision making and resources⁷. Whakatōhea Iwi who ended up in the Waitangi Tribunal making a number of serious allegations against their negotiator for not representing marae and hapū⁸. Ngāti Rereahu who are asking to manage any land in its rohe returned under the Te Rohe Pōtae settlement, rather than have it owned by a post-settlement governance entity for all of Ngāti Maniapoto⁹.

Other issues of the definition above are that Iwi are not sovereign nations like the Indigenous tribes in America and Canada. Iwi are often legislated bodies of elected representatives, commercial entities, charitable trusts, conglomerates and amalgamations of other Iwi and groups.

⁴ <https://www.stats.govt.nz/assets/Uploads/2013-Census-iwi-individual-profiles/95-iwi-profiles-Ngai-Tahu-Kai-Tahu.pdf>

⁵ <https://ir.canterbury.ac.nz/handle/10092/11385>

⁶ <https://www.legislation.govt.nz/act/public/1998/0097/latest/DLM429090.html>

⁷ <https://www.rnz.co.nz/news/ldr/441324/tuhoe-protest-against-their-own>

⁸ https://www.waateanews.com/waateanews/x_news/MjQ4MTk/Paakiwaha/Discontent-rumbles-in-Whakat%C5%8Dhea

⁹ https://www.waateanews.com/waateanews/x_news/MjcyMTE/Rereahu-make-last-ditch-fight-against-Maniapoto-settlement

Māori

The term Māori is a general term used by colonial settlers to categorise the Indigenous Peoples of New Zealand. The term Māori does not mean an Iwi or a hapū which is a collective of Māori Peoples with intergenerational inherited rights and obligations, therefore these need to be explored in relation to Data Sovereignty. In New Zealand statutes, any person who has a descendant who is Māori can claim to be Māori. There is no way to prove that a person is Māori, and rightfully so. This creates the need as explained in the next sub headings to expand the meanings of Data Sovereignty for Māori.

Indigenous Data Sovereignty

Another issue is that the term Māori Data Sovereignty has been modelled on Indigenous Data Sovereignty principles, despite Māori having different societal hierarchy and treaties such as He Whakaputanga, Te Tiriti and other significant instruments and legislation.

Despite the global Indigenous model being used, the United Nations Declaration of Indigenous Rights 2010 has also been omitted, despite the New Zealand government being a signatory to the Declaration and a large effort by government to implement it.

To adequately reflect and represent Māori societal hierarchy, the following sub definitions of Māori Data Sovereignty are required.

Whānau Māori Data Sovereignty

Whānau Māori Data Sovereignty refers to the inherent rights and interests Whānau Māori, whānau have in relation to the creation, collection, access, analysis, interpretation, management, dissemination, re-use and control of data relating to whānau Māori as inherited by whakapapa with mana atua, mana tangata and as guaranteed in He Whakaputanga and or Te Tiriti and the provided recognition of rights with the United Nations Declaration on the Rights of Indigenous Peoples.

Hapū Māori Data Sovereignty

Hapū Māori Data Sovereignty refers to the inherent rights and interests of hapū (individual or collectively) in relation to the creation, collection, access, analysis, interpretation, management, dissemination, re-use and control of data relating to hapū as inherited by whakapapa with mana atua, mana tangata and or reflected in He Whakaputanga and or Te Tiriti and the provided recognition of rights with the United Declaration of Rights of Indigenous Peoples.

Marae/Rūnanga Data Sovereignty

Marae/Rūnanga Data Sovereignty refers to the inherent rights and interests of Maraе/Rūnanga (individual or collectively) in relation to the creation, collection, access, analysis, interpretation, management, dissemination, re-use and control of data relating to a Maraе/Rūnanga as inherited by whakapapa with mana atua, mana tangata and or reflected in He Whakaputanga and or Te Tiriti and provided recognition of rights with the United Declaration of Rights of Indigenous Peoples.

Rōpū Māori Data Sovereignty

Rōpū Māori Data Sovereignty refers to the inherent rights and interests of Māori organisations (commercial, not for profit, collectives, representatives, consortiums, religious, etc) have in relation to the creation, collection, access, analysis, interpretation, management, dissemination, re-use and control of data relating to Māori organisations Māori Peoples as inherited by whakapapa with mana atua, mana tangata and or guaranteed to Māori Peoples members in He Whakaputanga, Te Tiriti and the provided recognition of rights with the United Nations Declaration on the Rights of Indigenous Peoples.

Iwi Māori Data Sovereignty

Iwi Māori Data Sovereignty refers to the inherent rights and interests that iwi have in relation to the creation, collection, access, analysis, interpretation, management, dissemination, re-use and control of data relating to a specific Iwi as guaranteed in He Whakaputanga and or Te Tiriti and the provided recognition of rights with the United Declaration of Rights of Indigenous Peoples.

MĀORI DATA SOVERIGNTY PRINCIPLES



Pan Māori Data Sovereignty Principles

These principles have used Te Mana Rauranga Principles as a basis and further Indigenised and applied Māorification to them.

01 Rangatiratanga | Authority

1.1 Control.

Māori, whānau, hapū, iwi, marae, rūpū Māori have inherent rights to exercise control over Māori data and Māori data ecosystems.

This right includes, but is not limited to, the creation, collection, access, analysis, interpretation, management, security, dissemination, use and reuse of Māori data.

1.2 Jurisdiction.

Decisions about the physical and virtual storage of Māori data shall enhance control for current and future generations. Whenever possible, Māori data shall be stored in New Zealand.

1.3 Self-determination.

Māori, whānau, hapū, iwi, marae, rūpū Māori have the right to data that is relevant and empowers sustainable self-determination and effective self-governance and the right to request removal of data that is contrary to tikanga or is disempowers or is bias against Māori, whānau, hapū, iwi, marae, rūpū Māori.

02 Whakapapa | Identity

2.1 Context. All data has a whakapapa (genealogy) and a mauri.

Accurate metadata should, at minimum, provide information about the provenance of the data, the purpose(s) for its collection, the context of its collection, and the parties involved.

2.2 Data disaggregation.

The ability to disaggregate Māori data increases its relevance for Māori, whānau, hapū, iwi, marae, rūpū Māori. Māori data shall be collected and coded using categories that prioritise Māori, whānau, hapū, iwi, marae, rūpū Māori needs and aspirations.

2.3 Future use.

Current decision-making over data can have long-term consequences, good and bad, for future generations of all Māori, whānau, hapū, iwi, marae, rūpū Māori. A key goal of Māori data governance should be to protect against future harm.

03 Whanaungatanga | Obligations

3.1 Balancing rights.

Individuals' rights (including privacy rights), risks and benefits in relation to data need to be balanced with those of whānau, hapū, iwi, marae, rūpū Māori of which they are a part. In some contexts, collective Māori rights will prevail over those of individuals.

3.2 Accountabilities.

Māori, whānau, hapū, iwi, marae, rūpū Māori are responsible for the creation, collection, analysis, management, access, security or dissemination of Māori data have intergenerational accountability to Māori, whānau, hapū, iwi, marae, rūpū Māori from whom the data derive.

04 Kotahitanga | Collective benefit

4.1 Benefit.

Data ecosystems shall be designed and function in ways that enable Māori, whānau, hapū, iwi, marae, rūpū Māori to derive individual and collective benefits now and for future generations.

4.2 Build capacity.

Māori Data Sovereignty requires the development of a Māori workforce to enable the creation, collection, management, security, governance and application of data.

4.3 Connect.

Connections between Māori, whānau, hapū, iwi, marae, rūpū Māori and other Indigenous peoples shall be supported to enable the sharing of strategies, resources and ideas in relation to data, and the attainment of common goals.

05 Manaakitanga | Reciprocity

5.1 Respect.

The collection, use and interpretation of data shall uphold the dignity of Māori, whānau, hapū, iwi, marae, rūpū Māori. Data analysis that stigmatises or blames Māori, whānau, hapū, iwi, marae, rūpū Māori can result in collective and individual harm and should be actively avoided.

5.2 Consent.

Free, prior and informed consent (FPIC) is one of declarations of the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP) and shall underpin the collection and use of all data from or about Māori, whānau, hapū, iwi, marae, rūpū Māori.

06 Kaitiakitanga | Guardianship

6.1 Māori Data is ever only loan.

Māori data shall be stored and transferred in such a way that it enables and reinforces the capacity of Māori, whānau, hapū, iwi, marae, rūpū Māori to exercise kaitiakitanga over Māori data. Non-Māori cannot own Māori data. Māori will always be the kaitiaki of Māori Data.

6.2 Ethics.

Tikanga (traditional Māori law), kawa (protocols), mātauranga (knowledge), Te Tiriti, He Whakaputanga and The United Nations Declaration on the Rights of Indigenous Peoples shall underpin the protection, access and use of Māori data.

6.3 Restrictions.

Māori, whānau, hapū, iwi, marae, rūpū Māori shall decide which Māori data shall be accessed.

IWI CORPORATES AND HAPŪ, DATA SOVERIGNTY PRINCIPLES

Pre-colonial settlement of New Zealand, Māori Peoples identified themselves primarily as descendants of Ranginui and Papatūānuku and or of Tiki as seen in the following three pepeha:

1. Te aitanga a Tiki. The offspring of Tiki. This is applied to human beings. Tiki from the world of Chaos (Po) married Ea of the world of light. They had Kurawaka who married Tane-nui-a-rangi, the beginning of the human race (Best, 1903, p. 17)
2. Ngā uri o Tiki. The descendants of Tiki. These are the human race as Tiki was its progenitor (Colenso, 1879, p. 91).
3. Nā Rangi taua, nā Tūānuku e takoto nei; ko ahau tēnei, ko mea a mea. We are descended from Rangi and Tūānuku; as for me, I am so-and-so, child of so-and-so. This was the prescribed formula for responding to a chief who welcomed one to his village. The stranger established their common ancestry and then related essential elements of their own lineage (Brougham, 1975, p. 70).

Secondly, Māori identified themselves from the strata of their tribal structures, these being whānau, hapū, iwi and waka (Barlow, 1991); (Buck, 1949); (Firth, 1972); (Gibbons, Temara, & White, 1994); (Papakura, 1986); (Willmott, 1989, pp. 1-20).

Tribal structures provided a format in which Māori could undertake their political relations enriched by their traditions and strengthened by their sense of tribal identity (Ministerial Advisory Committee, 1988). For example, iwi members of Ngāi Tahu did, and still to this day refer to themselves as descendants of Tahu Pōtiki/He uri au/ia o Tahu Pōtiki.

The important aspect to the modern-day term Māori, is that you must have whakapapa to be Māori, regardless of the amount of whakapapa. The potential dangers using only the term Māori Data Sovereignty is that within New Zealand legislation anyone can claim to be Māori without proving it.

This is a dichotomy for Māori who enjoy the autonomy of self-identification/tino rangatiratanga without the need for legislation to decide if a Māori person is indeed a Māori person by introducing racist blood quantum measurements.

Increasingly the general term “Māori Data Sovereignty” will be phased out and Māori will once again revert back to identifying their data and data sovereignty from the strata of their tribal structures: “Whānau, hapū, Iwi, Marae, Waka, and the myriad of different Māori Organisations/Rōpū Māori” to properly have Data Sovereignty and to prevent Data Colonisation.

Increasingly in a post treaty settlement era, are Iwi corporates who are also New Zealand government Treaty Partners. Iwi corporates such as Te Rūnanga o Ngāi Tahu¹⁰ and Waikato Tainui¹¹. Each iwi corporate as with any corporate have their own set of values and mission statements that may override traditional Māori values.

The corporate values and visions may not necessarily be the same with their hapū and marae. But if dealing with Iwi corporate data, the iwi corporate values should take priority.

Some Iwi corporates are members of the Iwi Chairs Forum¹², another Iwi based Treaty Partner who also have their own set of values: Rangatiratanga; Whanaungatanga; Manaakitanga; Kaitiakitanga and Tikanga.

The following are examples Iwi corporate values.

¹⁰ <http://www.ngaitahu.iwi.nz>

¹¹ <https://waikatotainui.com/>

¹² <https://iwichairs.maori.nz/>

Ngāti Kahungunu¹³

The mission or purpose states the reason for the existence of Ngāti Kahungunu Iwi Incorporated “To enhance the mana and wellbeing of Ngāti Kahungunu.” This will be achieved by empowering the iwi to achieve success at the levels of whanau, hapū, Taiwhenua and Taura here. Iwi will determine what success is from its own goals and aspirations.

These guiding principles set the boundaries within which we will work and are not to be compromised for financial gain or short-term expediency.

Te Tūhonohonotanga o Kahungunu – Tapestry of whakapapa that makes us who we are today

Te Hononga Māreikura o Takitimu – How we relate to other iwi / waka

Te Kotahitanga – League of peoples

Te Whakaputanga o te Ao – Declaration of independence

Te Tiriti o Waitangi – Joint venture with Crown

Kanohi ki te kanohi – “Face to face”

Pakihiwi ki te pakihiwi – “Shoulder to shoulder” ~ How we do things

Tino Rangatiratanga – begins with self, continues through the whānau, the hapū and the iwi.

- Controlling our own resources
- Making our own decisions
- Determining our own outcomes
- Owning the consequences of our decisions
- Tū whakahīhī ~ assertive, confident, standing tall and strong
- Independent and contributing to our society
- Government boundaries align to Iwi boundary

¹³ <https://www.kahungunu.iwi.nz/>

Ngāti Rārua¹⁴

Mission is to have a vibrant Ngāti Rārua culture, economy, and society by the year 2040. We will achieve this with our focus on three pillars, a brief outline of this is below.

Hononga: Our Social Strategy

Tikanga:

Manaakitanga – looking after each other

Rangatiratanga – practising and advocating leadership

Whanaungatanga – creating a sense of family and acting as a family

Looking forward:

Engaging more whānau

Knowing ‘us’ best

Investing in an iwi database

Social networking

¹⁴ <https://www.ngatirarua.iwi.nz/>

Waikato Tainui¹⁵

Waikato Tainui have the following principles:

Whakaiti – Humility, Whakapono – Trust and Faith, Aroha – Love and Respect, Rangimaarie – Peace and Calm, Manaakitanga – Caring, Kotahitanga – Unity, and Mahi tahi – Collaboration.

In addition to these principles is their 2050 vision statement. Whakatupuranga Waikato-Tainui 2050 is the blueprint for cultural, social and economic advancement for Waikato-Tainui people. It is a long-term development approach to building the capacity of Waikato-Tainui Marae, hapū, and Iwi. The goals and objectives from the blue print are: Hapori; Kaupapa; Mahi; Tonu; Taiao; Whai Rawa.

¹⁵ <https://waikatotainui.com/>

Te Rūnanga o Ngāi Tahu¹⁶

Te Rūnanga o Ngāi Tahu promote six tribal values and one tribal vision that form Ngāi Tahu values. The Te Rūnanga Group are also guided by these same values and vision, but with reflected behaviour being slightly more detailed than for iwi members.

The Ngāi Tahu vision is:

Mō tātou, ā, mō kā uri, ā muri ake nei
For us and our children after us.

This serves as a reminder that the current generation's role is to protect, nurture and make better our people and resources for the next generation. My research does this by identifying an unrecognised issue and resource that will have negative impacts on our people not only now but for generations to come if solutions are not identified now.

The six iwi values are outlined below. Te Rūnanga o Ngāi Tahu definitions do vary to Barlow's and Mead's definitions

1. **Whanaungatanga (family).** We will respect, foster and maintain important relationships within the organisation, within the iwi and within the community.
2. **Manaakitanga (looking after our people).** We will pay respect to each other, to iwi members and to all others in accordance with our tikanga (customs).
3. **Tohungatanga (expertise).** We will pursue knowledge and ideas that will strengthen and grow Ngāi Tahu and our community.
4. **Kaitiakitanga (stewardship).** We will work actively to protect the people, environment, knowledge, culture, language and resources important to Ngāi Tahu for future generations.
5. **Tikanga (appropriate action).** We will strive to ensure that the tikanga of Ngāi Tahu is actioned and acknowledged in all of our outcomes.
6. **Rangatiratanga (leadership).** We will strive to maintain a high degree of personal integrity and ethical behaviour in all actions and decisions we make.

In addition to these values, the corporate group has further interpreted them.

¹⁶ <http://www.ngaitahu.iwi.nz>

Manaakitanga (responsibility) Reflected in the following behaviours:

Tautoko

- Sharing time, knowledge and expertise
- Provides support to others
- Dedicates time to others
- Proactively coaches' others

Manaaki

- Engages with others in a respectful manner
- Demonstrates the importance of relationships
- Engages others where guidance from others where necessary

Rangatiratanga (leadership). Reflected in the following behaviours:

Self-Awareness

- Builds rapport with ease
- Demonstrates the ability to connect with people at all levels
- Demonstrates empathy

Integrity

- Demonstrates open and honest communication
- Demonstrates fairness
- Acts with integrity and puts benefits of the tribe before own agenda

Whanaungatanga (relationships). Reflected in the following behaviours:

- Collaboration
- Works effectively within a team environment and across the Group
- Actively shares ideas
- Encourages others

Engagement

- Proactively seeks to extend networks within the wider iwi
- Takes steps to ensure is well informed of issues /initiatives within the tribe

Tikanga (integrity). Reflected in the following behaviours:

Tikanga

- Demonstrates a desire to embrace te reo and tikanga
- Actively participates in tribal forums where appropriate

Dedication

- Demonstrates reliability
- Consistently delivers regardless of barriers
- Effectively prioritises

Tohungatanga (professionalism). Reflected in the following behaviours:

Strive for Excellence

- Serves as a role model for others
- Sets goals to achieve high performance, encourages others to aspire to that level
- Delivers work to exceptional quality

Continuous Learning

- Is proactive in seeking learning opportunities
- May teach others in a formal context
- Invests personal time in additional study

Kaitiakitanga (commitment). Reflected in the following behaviours:

- Resourcefulness
- Demonstrates consistent approach to careful expenditure of spending pūtea
- Looks for sustainable solutions when dealing with providers/suppliers

Innovation

- Regularly thinks outside the square
- Demonstrates the ability to turn ideas into reality
- Contributes novel ideas

Kāti Huikai

Kāti Huikai is a hapū/rūnanga of Ngāi Tahu situated in Port Levy on the Banks Peninsula. You will note the difference in values to the Iwi corporate.

Rakatirataka - Our leaders must be strong and act to develop self-determination for the Rūnaka. This has been exercised in the research by respecting both academia and traditional Māori values.

Manaakitaka - We must care about our people and have empathy and respect for others' mana. At all times, the mana of participants, colleagues and the Wānanga have been treated with respect and compassion.

Mātauraka – We must bring confident knowledge and application of expertise towards the outcomes of the Rūnaka. Expert individuals were identified and engaged with using my own mātauraka and to seek out their mātauraka.

Kaitiakitaka - We must work actively to protect environment, knowledge, culture, language, and resources important to the Rūnaka for future generations. A Māori world view code of ethics that will guide researchers, Māori, whānau, hapū and Iwi to be kaitiaki of their mātauraka.

Whakapapa – We must understand and acknowledge the interconnectedness of people, place, and environment. We also acknowledge whakapapa as the reason to ensure unity of purpose and outcomes for the Rūnaka. This research has identified that genetic data is whakapapa and within the research is the value of interconnectedness of Te Ao Māori whakapapa from the individual to the group, to non-human beings and then to atua.

Tikaka - We must maintain a high degree of personal integrity aligned to the Rūnaka's cultural protocols, understand the ever-evolving nature of tikaka and do what is right. Evolving tikaka was identified and with manaakitaka was revived and discussed.

Whanaukataka - We must have two-way connectivity and investment in all relationships important to the Rūnaka. Whanaukataka exercised by exploring both primary and secondary sources and respecting the many knowledge holders and their interconnectedness to Te Ao Māori and mātauraka.

DIGITAL COLONIALISM



Principles

Some basic principles of digital colonisation are below. Essentially, using the treaty principles and full disclosure of why you want to digitise the data, what impacts there are, biases, benefits, ownership issues etc all need to be considered. Otherwise, there is a risk for bias data that could discriminate against Māori or break trust and relationships¹⁷.

- Digital colonialism deals with the ethics of digitizing Indigenous data and information without fully informed consent.
- Digital colonialism is the new deployment of a quasi-imperial power over a vast number of people, without their explicit consent, manifested in rules, designs, languages, cultures and belief systems by a vastly dominant power (Renata Avila, 2017).
- A new form of imperialism by technology conglomerates for commercial gains; academics and researchers to advance science, technology and research (Taiuru 2017).
- Data colonialism is an emerging order for the appropriation of human life so that data can be continuously extracted from it for profit (Ulises A. Mejias, Couldry, Nick, 2019)

¹⁷ <https://data-activism.net/2019/10/bigdatasur-some-thoughts-on-decolonizing-data/>

Definition

1. A dominant culture enforcing its power and influence onto a minority culture to digitize knowledge that is traditionally reserved for different levels of a hierarchical closed society, or information that was published with the sole intent of remaining in the one format such as radio or print.
2. A blatant disregard for the ownership of the data and the digitized format, nor the dissemination.
3. Digital data that becomes the topic of data sovereignty.
4. Digital and Knowledge workers who consult Indigenous Peoples to digitise their content and then digitise the content, but who fail to explain the power of technology and the risks including losing all Intellectual Property Rights.
5. Conglomerates and government who use their influence to digitize data without consultation.
6. A colonial view and approach to new Internet technologies such as New General Top Level Domain Names (GTLD) and Country Code Domain Names (CCTLD).
7. Digital access where an ethnic minority are the majority digital divide stakeholders; often while their knowledge and resources are being digitised.
8. Commercialisation of minority cultures CC TLD's.
9. Commercial entities paying translators to create new terminology for software and systems, then claiming ownership of the new terminology.
10. Manipulation of search engine results to hide or change Traditional Knowledge.

LEGAL INSTRUMENTS



He Whakaputanga Declaration of Independence 1835

He W[h]akaputanga Rangatiratanga o Nu Tirenī, also known as the Declaration of Independence of New Zealand. This Māori-language document is often called by its shortened name, He Whakaputanga. Translated, it can mean ‘an emergence’, referring to the birth of a new nation, Nu Tirenī – New Zealand – but also marking steps towards unified forms of governance among the many different rangatira and their hapū and iwi (Waitangi Tribunal, 2014, pp. 153-154).

Thirty-four northern Māori rangatira representing 6 iwi in the far North (Ngāti Kahu, Te Rarawa, Ngāti Wai, Te Roroa, Ngāti Wai, Nga Puhi and 44 hapū signed the Declaration on 28 October 1835. They became known as the Confederation of United Tribes. By 22 July 1839 another 18 Northern chiefs had signed. Two of these chiefs from out of Northland signed: Te Hāpuku of Hawke’s Bay (Ngāti Te Whatuiāpiti, Ngāti Kahungunu, Rangitāne, Ngāti Ira, Hapū Ngāti Rangikoiānake) and Te Wherowhero, the Waikato Tainui ariki who was to become the first Māori king in 1858. This document became known as the codicil. The codicil explained that the rangatira who signed had not been able to attend the gathering because of floods and other reasons, but that they fully supported the declaration of independence of Nu Tirenī and entered into the confederation of chiefs.

The Declaration arose in response to concerns over the lawlessness of British subjects in New Zealand, and in response to a fear that France would declare sovereignty over w Zealand. At this time a Frenchman, Charles de Thierry who titled himself ‘Charles, Baron de Tierry, Sovereign Chief of New Zealand and King of Nuku Hiva’ (in the Marquesas Islands) was seeking to establish a colony on a 16,000-hectare (40,000-acre) plot of land he claimed to have purchased in the Hokianga (Fitzgerald, 2011, p. 61).

He Whakaputanga has often been considered no more than a minor prelude on the journey to the Treaty of Waitangi (Waitangi Tribunal, 2014, p. 195). Yet such a viewpoint considerably undersells He Whakaputanga. For one thing, it was British acknowledgement of the validity of the Declaration of Independence that made it necessary to seek a cession of sovereignty when the British government decided to intervene further in New Zealand in 1839.

The Crown had recognised the sovereign authority of the United Tribes of New Zealand and would need the agreement of those rangatira in order to alter that situation (Kawharu, 1989, p. 130).

This new sense of nationhood was still in its infancy at the time of the signing of the Treaty of Waitangi in 1840. Yet for many Māori, the Treaty did not, and could not, erase the clear assertion of rangatiratanga – chiefly authority or sovereignty – made through He Whakaputanga. For that reason and others, He Whakaputanga remains a taonga of great significance today (O’Malley, Harris, Archives, & National Library of New, 2017).

Many of those later movements looked to He Whakaputanga as a source of rights for Māori in the post-1840 world. The text of the document was published in Māori newspapers such as Te Wananga, was read aloud during gatherings of iwi at Ōrākei and Waitangi in the early 1880s and cited by the Māori MPs and in petitions to Parliament as a basis for Māori claims to self-determination. Hōne Heke Ngāpua, the MP for Northern Māori, read the full text of He Whakaputanga in Parliament in 1894, for example, when introducing the second reading of his Native Rights Bill, an unsuccessful attempt to secure constitutional rights for Māori to administer their own affairs.

In May 1836 the British government acknowledged receipt of an English translation of He Whakaputanga, promising ‘those Chiefs such Support and Protection as may be consistent with a due Regard to the just Rights of others and to the Interests of His Majesty’s Subjects’ (Lord Glenelg to R. Bourke, 25 May 1836, Great Britain Parliamentary Papers, 1837–38 (680), p.159)

It has often been considered no more than a minor prelude on the journey to the Treaty of Waitangi. Yet such a viewpoint considerably undersells He Whakaputanga. For one thing, it was British acknowledgement of the validity of the Declaration of Independence that made it necessary to seek a cession of sovereignty when the British government decided to intervene further in New Zealand in 1839. The Crown had recognised the sovereign authority of the United Tribes of New Zealand and would need the agreement of those rangatira in order to alter that situation.

Without He Whakaputanga there might have been no Treaty of Waitangi (O’Malley & Harris, 2017). For many Māori, the Treaty did not, and could not, erase the clear assertion of rangatiratanga – chiefly authority or sovereignty – made through He Whakaputanga. For that reason and others, He Whakaputanga remains a taonga of great significance today (O’Malley & Harris, 2017).

He Whakaputanga asserted that New Zealand was an independent Māori state that power resided fully with Māori, and that foreigners would not be allowed to make laws.

He Whakaputanga was – and remains – proof that the rangatiratanga and mana of Māori had been clearly articulated and asserted. New Zealand had been a sovereign land under the authority of the united tribes before 1840; and, according to the Waitangi Tribunal, that sovereignty was not extinguished by the Treaty of Waitangi. The Treaty itself was another step in the ever-deepening alliance or covenant with Britain. And as later events made clear, Ngāpuhi expected that relationship to be maintained and reciprocated by the Crown after 1840.

The English draft of the document was written by James Busby and was translated into Māori by the missionary Henry Williams. Eruera Pare Hongi wrote the final copy in Māori, which was the version that was signed. There are vast differences between the two texts (O’Malley & Harris, 2017). The Waitangi Tribunal agreed that the reo Māori version of the declaration is the definitive version. Tribunal, 2014, p. 198).

Article I

Declares that New Zealand is as an independent state with the chiefs of The United Tribes of New Zealand as the leaders.

This provides obligations to the tribes, hapū and whānau who were signatory to He Whakaputanga of Data Sovereignty and the rights to exercise tikanga Māori and meaningful engagement with the Crown.

Article II

Declares that the signatory chiefs are solely responsible for making new laws and governments. That no one else has the right to do so without the permission and cooperation of the “The Sacred Confederation of Tribes of New Zealand” (Henare, 2003).

This states that the sovereign power is held collectively by the chiefs of The United Tribes of New Zealand providing the signatory tribes to He Whakaputanga the rights to continually practice their own kaitiakitanga with Māori data.

Article III

Provides a commitment to meet each year in Waitangi to enact laws so that peace will prevail in New Zealand. An invite to southern tribes to join the confederation (Henare, 2003).

This provides the tribes with protection of their spiritual, cognitive, emotional, and physically assets including with their own data. The Tribes could have protected by their own tikanga with Māori Data and its sovereignty.

Article IV

Is an agreement that the King of England will receive a copy of the declaration to express the chief’s appreciation and for his approval of their flag. The chiefs also asked of the King of England, that he be a parent to their infant state and protect it from all attempts on its independence (Henare, 2003).

This article highlights the amicable relationship Māori were seeking with the Crown and how in today’s modern society the trade and exploitation of Māori data would not have occurred. There would have been proper consideration of tikanga by Māori chiefs.

Te Tiriti/ The Treaty of Waitangi 1840

The Treaty of Waitangi is New Zealand's founding document. It was first signed, on 6 February 1840. The Treaty is an agreement written in Māori and English, that was made between the British Crown and Māori chiefs. These rights and obligations are found in New Zealand legislation called the Treaty of Waitangi Act 1975.

The Treaty of Waitangi is one of the major sources of New Zealand's constitution¹⁸. The Treaty of Waitangi is the founding document of New Zealand. It is an agreement entered into by representatives of the Crown and of Māori iwi (tribes) and hapū (sub-tribes). It is named after the place in the Bay of Islands where the Treaty was first signed, on 6 February 1840.

As with He Whakaputanga, the Treaty of Waitangi has a Māori version which the Māori chiefs who were signatories discussed, debated and then signed. Then an English version which differs and a translated version from Māori into English. All references to The Treaty are in relation to the Māori text often and more correctly referred to as Te Tiriti.

The Treaty was not drafted as a constitution or a statute. It was a broad statement of principles upon which the British officials and Māori chiefs made a political compact or covenant to found a nation state and build a government in New Zealand to deal with pressing new circumstances. Like many treaties, it is an exchange of promises between the parties to it. The Treaty creates a basis for civil government extending over all New Zealanders, on the basis of protections and acknowledgements of Māori rights and interests within that shared citizenry.

Te Tiriti o Waitangi principles of partnership, participation and protection provide a framework for identifying Māori ethical issues, or Tikanga in terms of; rights, roles and responsibilities of researchers and Māori communities; the contribution that research makes towards providing useful and relevant outcomes; and addressing inequalities.

The Treaty of Waitangi Act 1975 is an Act to provide for the observance, and confirmation, of the principles of the Treaty of Waitangi by establishing a Tribunal to make recommendations on claims.

¹⁸ Other major sources are The Constitution Act 1986, the prerogative powers of the Queen, the State Sector Act 1988, the Electoral Act 1993, the Senior Courts Act 2016, the New Zealand Bill of Rights Act 1990 and other relevant New Zealand statutes, relevant English and United Kingdom statutes, relevant decisions of the courts and the conventions of the constitution.

It is important to note that it is not only Iwi can make a claim to the Waitangi Tribunal for breaches of Te Tiriti, but any person of Māori descent as individuals or as a collective, whānau, iwi, hapū and Māori organisations claiming that an ordinance, Act or regulation, order, proclamation, notice or other statutory instrument, or policy or practice, or an act or omission of the Crown has prejudicially affected the claimant(s) and that the law, or the action, omission, practice or policy is inconsistent with the principles of the Te Tiriti.

Preamble

The Preamble of Te Tiriti suggests that the Queen's main promises to Māori were to provide a government while securing tribal rangatiratanga (chiefly autonomy or authority over their own area) and Māori land ownership for as long as they wished to retain it. The preamble sets the discussion point for a Māori data sovereignty.

Article I

Promises Māori to ability to keep their authority to manage their own affairs in return for the promise of protection. This is good governance and partnerships aspect and allows Māori to recognise that Data is a Taonga, to claim Data Sovereignty to co govern, co-manage, co design and co create digital systems that use Māori data that impact Māori.

Article II

Māori Data sovereignty has its foundations in Te Tiriti/Treaty of Waitangi Article II.

Article II of Te Tiriti states "Queen of England agrees to protect the chiefs, the subtribes and all the people of New Zealand in the unqualified exercise of their chieftainship over their lands, villages and all their treasures. Therefore, Māori were guaranteed by the Crown the unqualified exercise of their chieftainship over their lands, villages, and all their property and treasures. Māori Data is a Taonga. Māori have the right and undisturbed possession of their Māori Data to avoid exploitation piracy, manipulation, shared without consent and taken offshore without consultation.

It is essential that in order to recognise Māori Data Sovereignty rights and be a good treaty partner that these principles are observed and respected in good faith.

By using these treaty principles, the system will be less likely to use Bias data or produce a system that while the developers may have had the best of intentions, could prevent the system negatively impacting on Māori. I will discuss a real-life case and a hypothetical case at the end of this presentation.

Article III

The Crown promised to Māori equal rights, thus allowing the preservation of the Māori people's tikanga. Māori have inalienable rights to Māori Data as it contains a whakapapa and mauri, therefore is a taonga. Researchers and governments have obligations to consult with Māori about Māori Data

Data Governance/Co-Design/Co Management Principles

The Waitangi Tribunal have identified a number of core principles that have emerged from Tribunal reports, which have been applied to the varying circumstances raised by the claims. These principles are often derived not just from the strict terms of the Treaty's two texts, but also from the surrounding circumstances in which the Treaty agreement was entered into. These principles include but are not limited to: Partnership, Reciprocity, Autonomy, Active protection, Options, Mutual benefit, Equity, Equal treatment and Redress.

Three principles commonly recognised by government and first outlined in the Royal Commission on Social Policy (1988) are:

- Partnership: interactions between the Treaty partners must be based on mutual good faith, cooperation, tolerance, honesty and respect
- Participation: this principle secures active and equitable participation by tangata whenua
- Protection: government must protect whakapapa, cultural practices and taonga, including protocols, customs and language.

In 2019, the Waitangi Tribunal updated the Principles to the following¹⁹:

- Principle 1: Tino rangatiratanga
- Principle 2: Equity
- Principle 3: Active Protection
- Principle 4: Partnership
- Principle 5: Options

All of the above principles should be considered and used when entering partnerships with Māori Peoples, whānau, hapū, Iwi and Māori Organisations when using Māori data. The principles are expanded in the section "Māori Data Sovereignty in Practice".

¹⁹ Waitangi Tribunal. 2019. Hauora: Report on Stage One of the Health Services and Outcomes Kaupapa Inquiry. Wellington. Waitangi Tribunal. pp. 163–164

United Nations Declaration on the Rights of Indigenous Peoples 2007

It is imperative to consider The United Nations Declaration on the Rights of Indigenous Peoples GA Res 61/295 (2007) (which New Zealand officially endorsed in 2010).

The UNDRIP is a comprehensive international human rights document on the rights of Indigenous Peoples. It sets out the minimum standards for the survival, dignity, wellbeing, and rights of the world's indigenous peoples.

The Declaration's emphasis on self-determination in arts 3–4 provides international support for the recognition of rangatiratanga in New Zealand. In addition, article 31 of the Declaration imposes a duty on States to assist in the protection of indigenous resources including their "cultural heritage", "traditional knowledge" and "human and genetic resources". This aligns with the Treaty's approach to taonga.

Its 46 articles cover all areas of human rights and interests as they apply to Indigenous Peoples. The following 21 articles are generally applicable to Indigenous Data. Depending on the Data there may be others. Articles of interest to Māori Data are: 1,2,3,4,7,8,11,15,18,19,32,37,38,39,40,41,42,43,44,45,46.

The Mataatua Declaration on Cultural and Intellectual Property Rights of Indigenous Peoples 1993

In recognition that 1993 was the United Nations International Year for the World's Indigenous Peoples; the Nine Tribes of Mataatua in the Bay of Plenty Region of Aotearoa New Zealand convened the First International Conference on the Cultural and Intellectual Property Rights of Indigenous Peoples (12-18 June 1993, Whakatane).

Over 150 delegates from fourteen countries attended, including indigenous representatives from Ainu (Japan), Australia, Cook Islands, Fiji, India, Panama, Peru, Philippines, Surinam, USA, and Aotearoa.

The Mataatua Declaration has been the most comprehensive statement by Māori on cultural and intellectual property rights. It was presented to the United Nations and has been signed by 150 groups and nations.

This document and the Treaty of Waitangi have been critical in the cultural and intellectual property rights struggles for Māori.

The Mataatua Declaration states that indigenous people are willing to share their knowledge with humanity provided their fundamental rights to define and control their knowledge is respected. Furthermore, that indigenous peoples are not anti-science or anti-development, but they do want their integrity of life and cultural knowledge to be respected.

The Mataatua Declaration must be considered with all Māori Data Sovereignty engagements and research when, in the very least dealing with Māori Data that has origins to the Mataatua region.

DATA IS A TAONGA: PERSPECTIVES



Introduction

Data is 'the new oil' and most new business models are being built around ownership of data – corporates are hoarding data and it is driving disparities across our societies (Walker, 2020). Data has become a commodity sought after by scientists and biotech companies, each hoping to collect enough data to seek out new knowledge in new ways in areas including health studies, ethnic identity, targeted medicines, insurance, genetic modification of crops and species including discussions of de-extinction (Cohen, 2014). Nowadays, public, and private organizations understand the value of data. Data is a key asset to improve efficiency in today's dynamic and competitive business environment (Oliveira, Rodrigues, & Henriques, 2005).

The New Zealand Government in 2020 released an Algorithm charter for Aotearoa New Zealand. The Charter ignores Māori rights and Te Tiriti obligations in direct contradiction to the Chief Data Steward's comment in 2018²⁰.

Individuals and organisations are discussing Data being a taonga, yet there is confusion about what is a taonga and how data is a taonga. Some articles say only some Data is a Taonga. I do not believe there are any articles that consider a customary Māori view of data. Many published articles and references are academic texts that are hard to read yet do not state any customary views.

Many of the sections are brief, as each section constitutes years of knowledge and a Māori worldview that can never be adequately compressed into such a paper. However, the information in this section does cover some basics, albeit at a high level. This should create a platform from which to launch further research, debate and investigation.

Governments and commercial entities consider data to be important. Internationally data has become a new commodity that is sold and traded on markets. In New Zealand data is used for social and economic development among other things. If the New Zealand government didn't place a high value on the data it holds, it would be obliged to not retain or create the data.

Because of the western perspective that data is anonymous, the New Zealand government and other governments have treated data about its people and land as terra nullius. By digitizing Māori data and information without permission or consultation they have breached traditional Māori customary rights and beliefs. It is too late to prevent the digitization and dissemination of taonga in the web and in digital repositories, but it is not too late to be considerate of customary rights/beliefs and to lessen any future impacts.

²⁰ <https://www.taiuru.Māori.nz/nz-algorithm-charter-further-risks-Māori/>

If we consider the early colonisers to New Zealand who normalized the practice of collecting human body parts such as heads. Society and government did not see anything wrong with this barbaric practice. It is no longer socially acceptable. Only recently has repatriation of these human remains began. With the same knowledge learnt by history, we now must contemplate how many years will go by till we repatriate our data?

Tipuna Māori gave ethnographers tapu information for paper medium created by metal plates. The distribution was severely restricted to those who could purchase a book. Informants had no idea of the Internet and information flow and speed of that flow. Data today faces a similar fate. Virtual Reality and Artificial Intelligence are future risks that will affect Māori Data in ways that no one has yet realized the potential impacts to Māori.

What is a taonga

Before discussing why data is a taonga, we need to first look at recognised definitions of the term taonga.

1. The term taonga defies any exhaustive definition, and in summing up the findings of a number of Tribunal reports the Tribunal stated in the Petroleum Report of 2003 (The Petroleum Report (WAI 796, 2003) at [5.3].)

Though the term has a number of other more mundane meanings, successive carefully reasoned reports of the Tribunal over many years now have come to treat 'taonga', as used in the Treaty, as a tangible or intangible item or matter of special cultural significance.

2. The courts have also acknowledged that the status of taonga applies to the tangible and intangible, accepting both language and familial organisation as examples of intangible taonga. See in respect of language see New Zealand Māori Council v Attorney-General HC Wellington CP942/88, 3 May 1991; New Zealand Māori Council v Attorney-General [1987] 1 NZLR 641 (CA) and [1994] 1 NZLR 513 (PC); in respect of familial organisation see Barton-Prescott v Director-General of Social Welfare [1997] 3 NZLR 179 at 184.

3. Lord Woolf of the Privy Council followed the approach of the Court of Appeal as well as the Tribunal in the final Broadcasting Assets decision stating:

The Māori language (Te Reo Māori) is in a state of serious decline. It is an official language of New Zealand, recognised as such by the Māori Language Act 1987. It is "a highly prized property or treasure (taonga) of Māori" (Cooke P [1992] 2 NZLR 576, at p 578 in the Court of Appeal) and it is also part of the national cultural heritage of New Zealand. New Zealand Māori Council v Attorney General [1994] 1 NZLR 513 (PC) at 513.

4. New Zealand courts have also discussed the notion that taonga may not necessarily be held by Māori, made by Māori or hold any Māori content or association. See Jacinta Ruru's discussion of the cases of Page v Page (2002) 21 FRNZ 275 and Perry v West HC Auckland CIV-2002-404-002114, 15 December 2003 in Jacinta Ruru "Taonga and Family Chattels" [2004] NZLJ 297.

The definitions of a taonga used by the Waitangi Tribunal mean that any taonga is protected under the guarantees in article 2 of the Māori text of the Treaty of Waitangi which states:

The Queen of England agrees to protect the chiefs, the subtribes and all the people of New Zealand in the unqualified exercise of their chieftainship over their lands, villages and all their treasures. But on the other hand the Chiefs of the Confederation and all the Chiefs will sell land to the Queen at a price agreed to by the person owning it and by the person buying it (the latter being) appointed by the Queen as her purchase agent.

Māori world view

All Māori are born with whakapapa but not all Māori are Māori practitioners. There is no one Māori world view, in as much as there is no one New Zealander world view. Māori are diverse as a people.

Māori societal structure is made up of descendants from the original waka that arrived in New Zealand. Then whānau who make up a larger hapū who are associated to the larger Iwi. Each whānau, hapū and Iwi have their own lore's and values, though not so dissimilar as to be totally foreign to each other. StatsNZ recognise 137 Iwi. There are no records of how many hapū exist. Ngā Puhi according to Tūhono have about 278 hapū²¹. Ngāi Tahu have 136 hapū²².

Mead (Mead, 2016) asserts that in 1979 it was obvious that few people really understood tikanga, and this included our own people. Timoti Karetu also laments the loss of kawa on the marae in 1978 when he stated "it is more important to take a stand now and rescue what we can from those few kaumatua still living before the take their knowledge with them to the grave (King, 1978).

The loss of traditional knowledge, tikanga and kawa is likely due to the facts that Māori culture has been integrated into European culture for over 400 years by colonisation, intermarriage, introduced and forced religion, urbanisation, legislation and educationalists encouraging the move away from Māori culture and government-imposed assimilation.

There has also been 400 years of heavy missionary influence introducing new religions that taught that Māori religious beliefs were bad. Many Māori adapted to these new religions, leaving behind their traditional knowledge systems and beliefs. Māori had many forced intermarriages into other different cultures through the colonization process. There were also customary intermarriages between hapū and Iwi.

A common argument against tikanga and customary rights are that they are no longer relevant. The same is often said of the Holy Bible and religion. Others believe that the Treaty of Waitangi is also obsolete in this age (Archie, 1995). Tikanga and the Treaty of Waitangi are both relevant and are unique building blocks for modern day New Zealand society. For many Māori, traditional tikanga is still applicable and highly relevant, though for some it is just instinct that cannot be described.

It is not uncommon for governance appointments to select a Māori simply because they are Māori, with no regard to if they are a practitioner or not. This has long been an issue in all aspects of Māori society. When appointments disagree with other Māori, then it is considered in fighting or tribal. No consideration about the diversity of Māori society.

²¹ https://www.tuhoronuku.com/store/doc/aug11_maraehapuwainumbersfordompresentation-final.pdf

²² <https://ngaitahu.Māori.nz/hapu/>

Another modern-day issue of Māori consultation is when the consultants have alternative interests. They will challenge traditional knowledge views and social peer pressure to say what the organisation wants to hear, thus securing a contract and future relationships.

The Waitangi Tribunal in 1993 with Claim WAI 11 found that the Māori Language is a Taonga guaranteed by Article II. The WAI 11 claim was the foundation claim for The Māori Language Act 1987, later repealed by section 48 of the Māori Language Act 2016.

The Māori Language Act 1993 and the repeal of 2016 gave official language status to the Māori language and gave speakers a right to use it in legal settings such as courts. It also established the Māori Language Commission, initially called Te Komihana Mō Te Reo Māori, to promote the language and provide advice on it.

Any Data that contains Māori language is further reinforced as a Taonga and such considerations are required with Māori Data and its sovereignty.

Māori academics have institutional boundaries they must work within. Western sciences and knowledge institutions do not recognise traditional knowledge, therefore how do Māori academics publish material about tikanga and mātauranga Māori?

Cooper (2012) states that Māori knowledge has been cast by Western science into an epistemic wilderness, and Māori are regarded as producers of culture rather than knowledge.

The position of Kaupapa Māori is paradoxical. It must stand aloof from the concerns of science and centre Māori epistemologies as a starting point for research. At the same time, it must critically engage Western knowledge and production practices as part of its decolonizing and transformational strategy (Cooper, 2012)

For an organisation to get a balanced Māori world view, an advisory group needs to be a mixture of Māori. Not geographically diverse but knowledge based. There needs to be traditional Māori knowledge mixed with academia and end users who are all Māori practitioners.

Māori cosmology stories include a story about data and why it is a taonga. This is a basis for data today being a taonga. This story varies slightly depending on the Iwi so this will summarize the traditional knowledge.

In the heavens were three baskets of knowledge that contained all the knowledge for human beings. Tane one of the many sons of Rangi and Papa was sent to bring the baskets back to earth. Tane was attacked by his evil brother Whiro who wanted the knowledge for himself. But Tane and goodness fought off the attacks.

These baskets by today's terms would be data storage pertaining to all things in life. This traditional knowledge gives data a whakapapa. Anything with whakapapa is a taonga.

Whakapapa in its simplest sense is genealogy, in a wider sense whakapapa attempts to impose a relationship between an iwi and the natural world. Moreover, whakapapa is a metaphysical framework constructed to place oneself within the world (Tau, 2003). Whakapapa is one of the most prized forms of knowledge and great efforts are made to preserve it, P: 174 (Barlow, 1991).

Traditional knowledge also tells us that every natural object and living thing has a spiritual aspect. If we sit down, our mauri sits down with us and some mauri can be left behind if not considered. Likewise, having our photograph taken contains the mauri of the persona. Hence, photos of the dead are tapu.

Indigenous Data has Mauri, Wairua, Whakapapa (Taiuru, 2015b). Data is no different. If it is about a person, their mauri is associated with the data. Therefore, any data and recorded information is a taonga because of these Indigenous beliefs.

Mauri: In te ao Māori, information is tapu and contains the tapu of the person it is about. Once you learn new knowledge it becomes a part of your mauri. Hence knowledge was not always provided and could not be provided. Because of this, knowledge has been taken by academics and governments without permission.

Another traditional Māori belief is that if information is made copied or made electronic, then the person involved can become sick, or cursed. This is further complicated when the data is mixed with data about both the living and the dead.

John Rangihau explains the process of gathering and learning new information:

I talk about mauri and some people talk about tapu. Perhaps the words are interchangeable. If you apply this life force to all things – inanimate and animate – and to concepts, and give each concept a life of its own, you can see how difficult it appears for older people to be willing and available to give out information. They believe it's a part of them, part of their own life force, and when they depart they are able to pass this whole thing through and give it a continuing character. Just as they are proud of being able to trace their genealogy backwards, in the same way they can continue to send the mauri of certain things forward (King, 1978).

Some Māori will say data has no Mauri as data is anonymized. If you consider a Māori world view and consider the statement from John Rangihau above. Then, because data originated from a person, people or other living thing in the Māori world, the data does have a mauri. Therefore, in an Indigenous lens, it is only anonymized is a western lens unless a tapu removal ceremony was correctly performed on the data. This would raise other issues as to who has the authority to do it and how do you perform such rites in a digital environment. Therefore, a system which has Māori data must also become tapu as it contains the mauri of the people and things contained in the data and information.

Because data has a mauri, whakapapa of the data should be recorded, not because is a system requirement or law, but because it is Indigenous. The responsibility is on the data collector to record where the data came from, what the data is about, Iwi and hapū connections, and kaupapa Māori categories for metadata and to treat the data with respect.

Māori society was always, and still to a large extent a knowledge society with experts in sciences, religion, astrology, navigation, spirituality, arts, knowledge, history, medicines, social issues and many more disciplines.

Traditional Māori society was hierarchical with a myriad of rules and a justice system for breaking those rules. One of those rules was that knowledge and information was only to be shared under strict circumstances and within an acknowledged hierarchy of appropriate people ascertained by genealogy who after long and strict initiations in within learning schools within their own clan or tribe where specific people trained in certain knowledge areas.

It is a customary belief that when you share knowledge with people, that the person who you are sharing information with, then acquires a spiritual part of you. From a western perspective, if you imagine a thought of a person in your mind, you have no control of that thought existing. No one else can see it, but you know it is in your brain and a part of you. Therefore, in a customary Māori perspective that Māori Data contains wairua, mauri, it becomes a form of genealogy of whakapapa and therefore becomes sacred or tapu.

Likewise, once Māori Data is in a system, that system becomes part of the people the data is about. An AI system has many more cultural complications.

In New Zealand the government and museums are aware of the need to repatriate physical property, but it is still not understood that data is property, therefore no different.

This is the reason Māori Data is a Taonga as stated in Article II of Te Tiriti/Treaty. Māori Data from a western perspective is also a property and a commodity and therefore all principles of Te Tiriti are applicable.

Government views of Data as a taonga

The New Zealand Government Chief Data Steward's Data Strategy and Roadmap For New Zealand (2018) makes statements that allude the importance of data and refers to Data being a taonga (Steward, 2018). The roadmap states among other things:

- Two Māori values in particular will support a trusted data system: manaakitanga (data users show mutual respect) and Kaitiakitanga (all New Zealanders become the guardians of our taonga by making sure that all data uses are managed in a highly trusted, inclusive, and protected way).

Other statements from the Roadmap for New Zealand, that reinforce that Data is a taonga recognized by government:

- We envisage a future where data is regarded as an essential part of New Zealand's infrastructure.
- Our ambition is to unlock the value of data for the benefit of New Zealanders.
- The value of data lies in its use
- The availability of new data sets and sophisticated technologies has enabled new and exciting data uses that continue to transform how individuals see, act, and engage with the world.
- Data fuels the digital economy, modernising our way of life and enabling innovation across industries and sectors.
- We are increasingly seeing new uses of data that will impact our world in profound ways in the near future.
- The uptake in new technologies such as cognitive computing and Artificial Intelligence (AI) are enabling new and innovative data uses that continue to transform how individuals see, act and engage with the world.

Within the roadmap is another section called "Commitment to the Crown-Māori Treaty Partnership". While there is a misundertand about the tikanga involved, it does form a good basis for a foundation with which to work upon.

New Zealand recognises the importance and value of the Treaty of Waitangi that establishes Māori as Partners with the Crown. There are new opportunities for the Crown to engage with Māori on the full breadth of issues in the current environment to ensure the Crown is meeting its Treaty obligations and supporting Māori to activate their full potential in a new world of possibility. Two Māori values in particular will support a trusted data system: manaakitanga (data users show mutual respect) and Kaitiakitanga (all New Zealanders become the guardians of our taonga by making sure that all data uses are managed in a highly trusted, inclusive, and protected way).

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²³ <https://www.data.govt.nz/assets/Uploads/Data-Strategy-and-Roadmap-Oct18.pdf>

Big Data Open Data Taskforce in October 2018

The UN Special Rapporteur on the Right to Privacy has been engaged with indigenous data sovereignty. The Special Rapporteur's Report on the work of the Big Data Open Data Taskforce in October 2018 explicitly addresses indigenous data sovereignty and Indigenous Peoples' inherent sovereignty over the data collected from them, about them and their resources in paragraphs 52., 72. 73.74, 75 (Cannataci, 2018). And again, in the 2019 Report from the Special Rapporteur on the Protection and Use of Health-Related Data where several definitions were also introduced (Cannataci, 2019).

WAI 2522²⁴

In 2020, the Waitangi Tribunal released its report on the Comprehensive and Progressive Agreement for Trans-Pacific Partnership WAI 2522.

While the claim was large and in relation to ecommerce and international trade, three Māori Data experts myself, Potaua Biasiny-Tule and Dr Donna Cormack argued to the Tribunal that Māori Data is a Taonga.

The WAI 2522 TTPA claim recognised some Māori Data has mātauranga. Mātauranga is not owned by an Iwi but by individuals, marae, hapū and other and is an Article II right recognising that Māori Data is a collectively and or individually owned property right of significant cultural, social, spiritual and economic value to Māori society. UNDRIP is also covered by this definition.

The Tribunal further recognised that issues of data sovereignty and the protection of mātauranga Māori in the digital domain are not matters that Māori can resolve alone.

²⁴ <https://waitangitribunal.govt.nz/news/tribunal-releases-report-on-electronic-commerce-chapter-in-cptpp>

MĀORI DATA SOVERIGNTY KAUPAPA MĀORI FRAMEWORKS



Introduction

Indigenous Knowledge cannot be squeezed into a western framework. Currently for Māori there are 3 different frameworks required to work with Māori Data that will consider all aspects of Māori data using the term. There are also two external guidelines that should be considered, that are too large and comprehensive to add to this literature.

1. Tikanga Test (Mead, S. M., 2016. Revis ed.)
2. Te Whare Tapa Whā (Durie, M., 1984)
3. Māori Data Ethical Framework (Taiuru, K., 2020).

The two external frameworks are:

4. Crown engagement with Māori Framework and Engagement Guidelines (Te Arawhiti 2019)
5. Treaty of Waitangi/Te Tiriti and Māori Ethics Guidelines for: AI, Algorithms, Data and IOT (Taiuru, K., 2020)

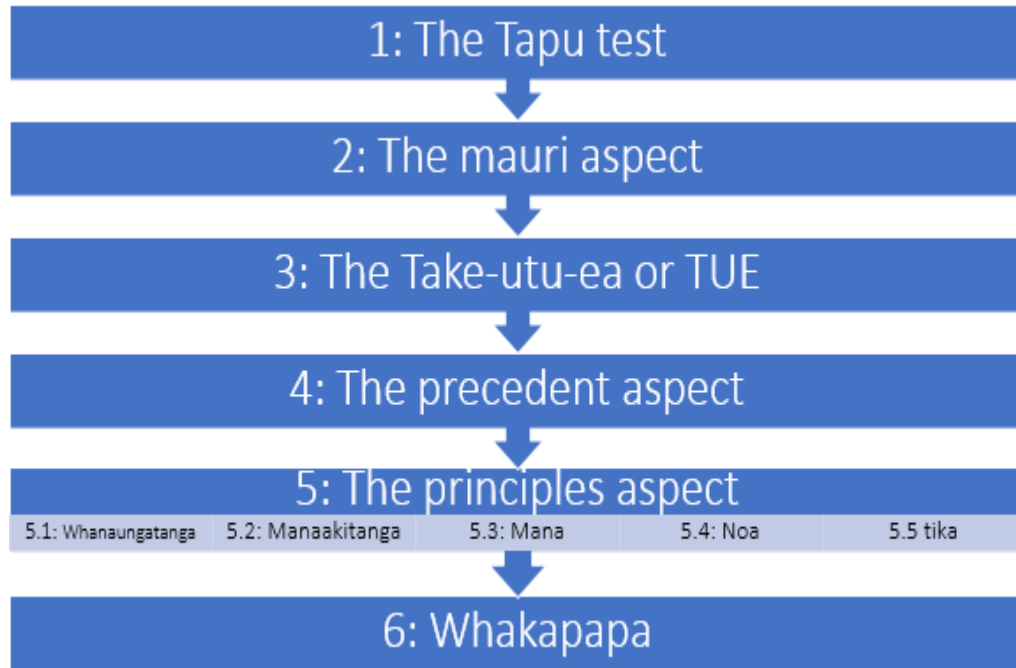
Tikanga is a Māori custom, like common law that is founded on long accepted practices and traditional knowledge and religion; It does not preclude new circumstances and needs as they arise. It has always been there because it is what works, it is what is good for the people and the environment.

Traditional knowledge or Tikanga informs us that all living things have a Mauri, Wairua and a whakapapa. Māori Data has a mauri and whakapapa as I discussed in the previous chapter.

If data is being collected about Māori, whether anonymised (in a western technical context) or not, it still contains the individual's mauri. That mauri has whakapapa to their personal wairua, whānau, hapū and their iwi. Thus, Māori data is collectively owned data or meta data and a taonga.

Tikanga Test

A framework using Tikanga and Mātauranga to assess contentious issues to find a Māori position on these issues was developed by Sir Hirini Mead to assist with possible breaches of tapu and to ascertain the risks (Mead, H., 2016). This test and the proposed frameworks in this document should form the basis for any decision-making process involving Māori data.



Principles by Mead, S. M. (2016). Tikanga Māori: living by Māori values. Wellington. Process flow chart by Taiuru, K.N. (2018)

Test 1:

The Tapu Aspect – Tapu relates to the sacredness of the person. When evaluating ethical issues, it is important to consider whether there will be a breach of tapu, if there is, will the gain or outcome from the breach be worth it.

Test 2:

The Mauri Aspect – Mauri refers to the life essence of a person or object. In an ethical context, one must consider whether the Mauri of an object or a thing will be compromised and to what extent.

Test 3:

The Take-utu-ea aspect – Take (Issue) Utu (Cost) Ea (Resolution). Take-utu-ea refers to an issue that requires resolution. Once an issue or conflict has been identified, the utu refers to a mutually agreed upon cost or action that must be undertaken to restore the issue and resolve it.

Test 4:

The Precedent aspect. This refers to looking back at previous examples of similar issues that have been resolved in the past. Precedent is used to determine appropriate action for now.

Test 5:

The Principles aspect. This refers to a collection of other Māori principles or values that may enhance and inform an ethical debate.

For the purposes of these guidelines, issues such as those listed in the Community-Up Model: manaakitanga, mana, now, tika and whanaungatanga (Simon, Smith, Cram, University of Auckland. International Research Institute for, & Indigenous, 2001) or the Māori Data Ethical Model (Taiuru, 2018).

Te Whare Tapa Whā

The Māori philosophy toward health is underpinned by four dimensions representing the basic beliefs of life.

Te Taha Hinengaro

This refers to psychological health, with a focus on emotions. It is understood that the mind and body are inseparable, and that communication through emotions is important and more meaningful than the exchange of words.

Our traditional knowledge teaches us that from the Wairua comes the mauri, from the mauri comes the Hinengaro (mind). From the Hinengaro comes health and mental wellbeing.

If our data and its mauri is being attacked or used inappropriately as described in Taha Wairua, then the individual, whānau, hapū and Iwi the data is about will have poor psychological health.

Te Taha Wairua

This refers to spiritual awareness. It is recognised as the essential requirement for health and well-being. It is believed that without spiritual awareness an individual can be lacking in well-being and therefore more prone to ill health. Wairua explores relationships with the environment, people and heritage.

In addition to the explanation for Te Taha o Hinengaro; our traditional knowledge teaches us that all natural objects have a wairua and a mauri. If our mauri is healthy then our wairua is intact and will make the natural object healthy. Moreover, if we touch something, share our thoughts or are involved with an event, then our mauri is left with that object or event.

The same is also applicable to Māori data. Māori data contains mauri of the individual, whānau, hapū and Iwi. Therefore, any system that has Māori data then has peoples Mauri. If our data and mauri is being used for things that we are not aware of, stored overseas, or in culturally unsafe environments, then this will impact our wairua which will in turn make the individual, whānau, hapū and Iwi unhealthy.

Te Taha Tinana

This refers to physical health and growth and development as it relates to the body. This focuses on physical well-being and bodily care. Tinana suffers when a person is under emotional stress or is unwell. Pain in different parts of your body is tinana communicating what is going on consciously or unconsciously.

Our traditional knowledge teaches us that we are what we consume. Whether it is a physical food or a mental thought (Hinengaro). Some Māori refuse to eat pork as the domestic pig eats scraps, other Māori refuse to partake in certain conversations in order to protect their Hinengaro. The same applied to data about us. If it is put into culturally unsafe physical environments and away from New Zealand, then this will have negative impacts on the individual, whānau, hapū and Iwi.

Te Taha Whānau

This is the most fundamental unit of Māori society. Whānau are clusters of individuals descended from a fairly recent ancestor. Whānau may include up to three or four generations, and its importance will vary from one individual to the next. The beliefs, expectations or opinions of the whānau can have a major impact on the career choices that an individual makes.

This reminds us that all data about Māori is not an individual ownership right, but one of communal ownership by the whānau, hapū and Iwi. If one person is ill or their wairua or mauri is not well, then all the individual's, whānau, hapū and Iwi can be impacted depending on the circumstances. In the same manner as if Papatūānuku is ill, then so are humans.

Informed consent and community-based consent about data is often required to ensure Taha Whānau is considered.

Te Wharenuī

This is the symbol used to illustrate these dimensions of well-being. Just as each corner of the house must be strong and balanced to hold its structure, each dimension of well-being must be balanced for health to exist. The wharenuī needs the whenua to be healthy and strong to be able to be built upon and to remain strong for inter-generational usage.

Te Whenua

Whenua is the genesis of all living things. Without the whenua we cannot have life and cannot have oceans or the sky.

Māori have a direct genealogy to the whenua as we are all descendants of the earth mother Papatūānuku. The soil, that we are tangata whenua on, or Aotearoa is our direct descent. Hence, if the soil is healthy so are its descendants, us the tangata whenua.

It is a custom that when Māori are emotionally drained, unhealthy or need to think, or have issues, they either go back to their home lands (tūrangawaewae) if they can or go to a special physical place.

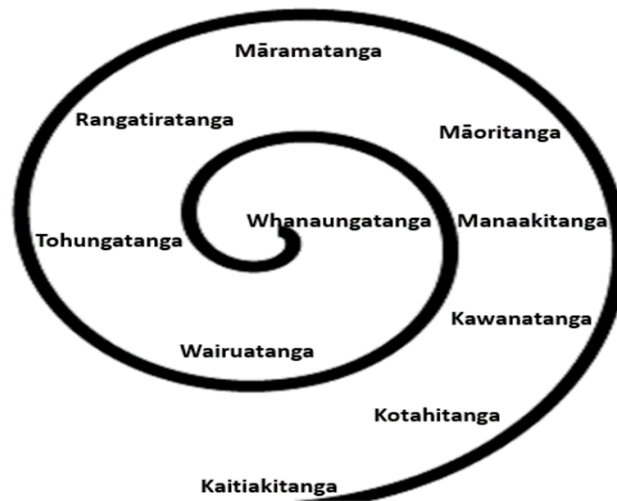
Māori data is no different. To ensure that the individuals, hapū or Iwi that the data is about, remains spiritually healthy, the data should remain with Papatūānuku. In terms of Māori data sovereignty, this requires that any Māori data must remain in Aotearoa.

Māori Data Ethical Framework (Taiuru, K. 2020).

To engage with Te Ao Māori; It is recognised that there is not one Māori view due to the impacts of colonisation on Māori and the fact that societal structure is clan based.

It is recognised that a Te Ao Māori perspective encases the physical, mental, and spiritual and recognises that everything in the natural world is interconnected including Data.

The following is a Māori Data Ethical Model which uses the Koru pattern as in the Māori Ethics Model (Manuka, H., 1998). These principles recognise and respect a Te Ao Māori view. This framework does not override individual Iwi and corporate Iwi principals (see below for examples).



Karaitiana Taiuru (2020) Māori Data Ethical Framework

01 Kaitiakitanga

Guardianship, stewardship, trusteeship, trustee.

This tikanga (customary practice could be applied by ensuring that the system will benefit the majority of Māori and Iwi as opposed to the risk that the objectives of the system are to the detriment of Māori such as the Tohunga Suppression Act and Native Schools Act were. That all data produced, and findings have customary Māori ownership principles applied and that the data is stored on shore. The use of the Tikanga Test could assist in this principle.

02 Kawanatanga

Rule, authority, governorship, province.

This tikanga (customary practice could be applied by recognising the need for Māori representation on the governance, management, and all critical building aspects of a system.

03 Kotahitanga

Unity, togetherness, solidarity, collective action.

This tikanga (customary practice could be applied by not referring to them and us. By recognising that Māori and Iwi interests are also of benefit to all of New Zealand.

04 Manaakitanga

Hospitality, kindness, generosity, support – the process of showing respect, generosity and care for others.

This tikanga (customary practice could be applied by ensuring that there are mutual benefits of a system to both Māori and non-Māori. When in doubt about risks versus benefits to Māori, the Tikanga Test could be applied.

05 Māoritanga

Explanation, meaning.

This tikanga (customary practice could be applied by ensuring that there is full disclosure of all algorithms, data, intended and future outcomes of the system are discussed and are explained in a manner that the Māori audience will understand. The use of plain English. When in doubt about risks versus benefits to Māori, the Tikanga Test could be applied.

06 Māramatanga

Enlightenment, insight, understanding, light, meaning, significance

This tikanga (customary practice could be applied by seeking Māori and Iwi insights and information requirements that may be irrelevant to the organisation, but of paramount importance to Māori and Iwi.

07 Rangatiratanga

Knowledge of and practice of the Treaty of Waitangi.

This tikanga (customary practice could be applied by ensuring that a set of Māori ethical guidelines are created, and an explicit Te Tiriti/Treaty clause is included and abided by.

08 Tohungatanga

Expertise, competence, proficiency.

This tikanga (customary practice could be applied by ensuring that a thorough recruitment process is undertaken to contract expert Māori advisors with the relevant skills in Te Ao Māori and the applicable technologies to write, design and implement appropriate Māori ethics.

09 Wairuatanga

Spirituality. This tikanga (customary practice could be applied by recognising that Data is a taonga what contains wairua and mauri, regardless of if from a western perspective the data is anonymised. Then applying the kaupapa Māori framework Te Whare Tapa Whā to ensure the Wairuatanga of the people in the data are spiritually protected. When in doubt about risks versus benefits to Māori, the Tikanga Test could be applied.

10 Whanaungatanga

Relationship, kinship, sense of family connection – a relationship through shared experiences and working together which provides people with a sense of belonging. A close familial, friendship or reciprocal relationship.

This tikanga (customary practice could be applied by recognising that individual, whānau, hapū and Iwi rights (including legal and moral), risks and benefits are discussed and considered at each step of the life cycle of a systems design. When in doubt about risks versus benefits to Māori, the Tikanga Test could be applied.

MĀORI DATA SOVEREIGNTY IN PRACTICE



Māori Data Sovereignty Commitment Statements

To assist organisations to make public statements that both recognise and enact the instruments that protect Māori interests with Māori Data, all organisations should create public commitment statements that are committed to by the whole organisation.

Below are general examples of commitment statements that any organisation can adapt or utilise. The examples could be used as one commitment statement, or as individual statements. For organisations whose Māori communities only acknowledge He Whakaputanga – The Declaration of Independence, you could use the Te Tiriti statement and replace Te Tiriti with He Whakaputanga Declaration of Independence.

These commitment statements are a useful reminder to the organisation, staff, and stakeholders that you have a genuine commitment to Māori cultural and Te Tiriti values. These documents should be created in consultation with your Māori stakeholders or revised at a later date once relationships have been formed.

It is important to also understand that in a post treaty settlement society, that Iwi who have settled, are likely to be commercial entities with their iwi members as the shareholders. As such, many post settlement Iwi have their own values that you should try to align with your organisation values. See the previous chapter 'Iwi Corporates and Hapū, Data Sovereignty Principles' for examples.

Te Tiriti Commitment Statement Example

With this commitment statement, we express our commitment to the Treaty of Waitangi/Te Tiriti, the founding document of Aotearoa New Zealand. We acknowledge that Te Tiriti must be the foundation for our relationships with Māori Peoples, hapū, marae, Māori groups and Iwi in the way we engage, design, operate and govern our data ecosystems.

Te Tiriti is the agreement which opened the door to and acknowledged tūrangawaewae, a place where one has rights of residence and belonging, for the first immigrants who represented the British Crown, and all those that followed. People from all cultural groups are included as Te Tiriti partners with Māori Peoples, hapū, marae, Māori groups and Iwi and, as such, all New Zealanders have a role upholding the rights and privileges of Māori as tangata whenua of Aotearoa.

To realise the promises of Te Tiriti, our relationship with Māori, hapū, marae, Māori groups and Iwi will continue to evolve. As an organisation we are committed to self-reflection, and how we can improve our understanding and commitment to Te Tiriti. This approach and commitment enriches our organisation.

Incorporating Te Tiriti into our everyday work will include:

- improving our understanding of Te Tiriti and what it means to all of our staff
- learning more te reo Māori and using it when speaking and writing
- normalisation of tikanga Māori within our organisation
- identifying new ways to partner with Māori, hapū, marae, Māori groups and Iwi within our individual roles

The principles of Te Tiriti o Waitangi, as articulated by the Courts and the Waitangi Tribunal, provide the framework for how we will meet our obligations under Te Tiriti in our day-to-day work.

We honour our Te Tiriti Statement through the principles of:

Principle 1: Recognition and protection of tino rangatiratanga

We guarantee to whānau, hapū, marae, iwi or other form of organisation to exercise autonomy and self-determination to the greatest extent in the design, delivery of all of our data ecosystems and the protection of Māori data.

Principle 2: Equity

We commit to ensuring Māori Data and Ecosystems are not bias, and that they are truly representative of Māori. We will commit to ensuring that Māori data is accessible to achieve Māori equitable outcomes.

Principle 3: Active protection

We will act, to the fullest extent practicable, to achieve equitable data outcomes for Māori, to ensure the right to tino rangatiratanga. We will ensure that our agents and Te Tiriti partners have Free, Prior and Informed Consent.

Principle 4: Partnership

We recognise the need to be a good governor and recognise and respect the status and authority of Māori to be self-determining in in the governance, design, delivery, and monitoring of data ecosystems and the protection of Māori data.

Principle 5: Options

We will commit to creating and exploring how Kaupapa Māori research and Design methodologies can be adapted with all new system developments and Māori Data projects.

United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) Commitment Statement Example

Our organisation has a commitment to UNDRIP, with special consideration to the following articles that relate directly to Māori Data and Māori Data ecosystems: 1,2,3,4,7,8,11,15,18,19,32,37,38 ,39:

Article 1,2, 3,7,8, and 9

We acknowledge these articles as also being Te Tiriti commitments and legal obligations of any citizen in New Zealand

Article 11, 12, 15

As a part of our commitment to Data Sovereignty principles, we acknowledge that Māori Data is a taonga that has customary protocols associated with it. Our commitment to work with relevant Māori stakeholder groups will help us to understand these customs.

Article 16

When designing Māori data ecosystems, we will where ever possible offer the interface in te Reo Māori and associated promotional materials in at least English and Māori.

Article 21

We are committed to ensuring our data and data ecosystems do not discriminate against Māori. We do this by co designing and engagement with Māori stakeholders.

Article 27

We recognise that the term Māori is a post-colonial term for the multi represented Indigenous Peoples of New Zealand. As a part of our commitment, we recognise whānau, hapū, iwi, marae and rūpū Māori sovereignty rights and that there are different tikanga Māori associated with different types of data and data ecosystems. Most importantly, that Māori data is on loan, and we are the current guardians of the data. That any data ecosystem may be considered sacred and also to have whakapapa.

Article 31

Will be recognised and respected via meaningful and transparent engagement with Māori stakeholders.

Article 39

Through our partnerships with Māori stakeholders, we will offer training and employment opportunities.

Mataatua Declaration Commitment Statement Example

This statement is only applicable to Iwi Data that is sourced from or uses Māori Data from the Mataatua waka.

We regard Māori Data is an intellectual and cultural property, and that the rights of the Māori Data remain with the Māori of the Mataatua area.

We will work with the Mataatua Māori to co design and co create cultural ethics and beneficial outcomes for Māori of the Mataatua waka.

Māori Data Principles Commitment Statement Example

Our commitments to each of the seven Māori Data Sovereignty principles are outlined below.

Whakapapa | Record keeping

We recognise our Te Tiriti obligations and that Māori Data and digital ecosystems that use Māori Data are Taonga. As a result of this, we will treat Māori Data as a taonga and recognise that all data whether digital or biological, identifiable or deanonymized has a whakapapa (genealogy) and a mauri (life force).

We will commit to accurate metadata, provide information about the provenance of the data, the purpose(s) for its collection, the context of its collection, and identify where possible the whānau, hapū, iwi, marae, or other Māori organisation where the data is from and represents.

We recognise that Māori Data Sovereignty is not all inclusive of Māori society, therefore we also recognise and will utilise appropriate data sovereignty datasets and permissions that recognise the sovereignty of whānau, hapū, iwi, marae, and other Māori groups.

Rangatiratanga | Authority

We acknowledge that Māori, whānau, hapū, iwi, marae, rūpū Māori have inherent rights to exercise control over Māori data and Māori data ecosystems. Therefore, we will appoint at least one Māori cultural representative to our governance structure and ensure that Māori, whānau, hapū, iwi, marae, rūpū Māori are engaged with the design process at the start.

All of our data and systems are stored in New Zealand servers. In cases that this is not practicable, we will engage in discussions with our Māori stakeholders in a transparent manner to inform our stakeholders of the location, and to negotiate appropriate solutions.

Mātauranga Māori | Cultural Values

We acknowledge and respect Māori knowledge systems (mātauranga Māori) and processes are not only a matter of courtesy but also recognition that such knowledge can make a significant contribution to the design and implementation process of data ecosystems. Our system developers will respect the intergenerational cultural property rights of Māori Peoples in relation to knowledge, ideas, cultural expressions, and cultural materials (mātauranga Māori).

Whanaungatanga | Identity

All Data that identifies benefits or the ability to empower Māori Peoples, hapū, marae, Māori groups and Iwi tino rangatiratanga will be shared with the relevant Māori Peoples and organisations. Among the tangible benefits that Māori Peoples, hapū, marae, Māori groups and Iwi should be able to expect from a digital system project is the provision of information in a form that is useful and accessible.

Kotahitanga | Collective benefit

Data ecosystems shall be designed and function in ways that enable Māori Peoples, hapū, marae, Māori groups and Iwi to derive individual and collective benefit and where possible, we will train whānau, hapū, iwi, marae, and other Māori stakeholders to use the system and to identify other benefits that our systems can be used for.

Manaakitanga | Care and Consideration

Principle of working with Māori stakeholders to ensure that systems do not generate bias against Māori Peoples, hapū, marae, Māori groups and Iwi. Any biases that are identified will be addressed and used for positive outcomes.

Kaitiakitanga | Guardianship

Acknowledgement that all Māori data is not owned by you, but that you are long-term guardian of the data.

A recognition that all data and systems will be subject to tikanga Māori principles that are associated with any Taonga. All Māori Data will be stored in New Zealand by New Zealand owned companies and preferably in Open Source technologies.

Hosting

Many of the current concerns that surround data sovereignty relate to enforcing privacy regulations and preventing data that is stored in a foreign country from being subpoenaed by the host country's government (Taiuru, 2017). Much of New Zealand's data is stored overseas in countries like Australia, America, India, and Singapore, where it is exponentially cheaper to store data. The more obvious issue that people do not consider is where the data is stored in their computers and social media and who actually owns that data and the fact that you have to pay an international company to store and access your own data from your computer.

Three primary pieces of legislation from the United States of America directly impact New Zealanders and in particular Māori Data Sovereign Rights for any data that is stored overseas or by a company that is owned by an American entity or individual. These are:

1. The Clarifying Lawful Overseas Use of Data Act (CLOUD Act) (H.R. 4943) was enacted on 23 March 2018. The CLOUD Act amends the Stored Communications Act of 1986 (SCA) to allow federal law enforcement to compel US-based technology companies via warrant or subpoena to provide requested data stored on servers regardless of whether the data are stored in the US or foreign jurisdictions.
2. The USA PATRIOT Act (commonly known as the Patriot Act) is an Act of the United States Congress allows American law enforcement agencies a wide and varying scope of powers to seize, analyse and copy data in certain circumstances.
3. The Stored Communications Act (SCA, codified at 18 U.S.C. Chapter 121, 2701–2712) permits the United States government to seize data of any American companies, whether physically located or the data is stored in New Zealand.

It is essential that any Māori Data is hosted locally in New Zealand by New Zealand owned companies to ensure Māori Data Sovereignty and Te Tiriti are recognised and respected.

Māori Data Sovereignty – some practicable steps

Māori Data Sovereignty consultation requires much more than only consulting the government Treaty partner or talking to Māori in any one particular group. This brief article explains modern day Māori society structure and hierarchy, who are all stakeholders with Māori Data Sovereignty.

While some Māori individuals and the New Zealand government have modelled Māori Data Sovereignty on Indigenous Data Sovereignty principles (who use tribal sovereign nations as the basis), as explained earlier, this is not an appropriate model for Māori.

As opposed to tribal sovereign nations, Māori society comprises of a complex social, professional, commercial, and genealogical groups and sub groups, many of which are traditional, while others have been formed and legislated to grow with modern day society. Each of these in turn also have their own consenting, data, and leadership that must be considered.

Host on shore to ensure the legislation of the land protects privacy.

Full disclosure of all facts and possible benefits and consequences. Often Māori and other Indigenous Peoples lack the technical skills to know the full consequences of what will happen to their data once it is digitised.

An example that occurred in NZ about 5 years ago with a New Zealand University and a rural iwi with no Internet infrastructure who had a significant resource. The university wanted to digitise it and put it on the Internet. The University told the iwi that it would only remain on the university server after the Iwi expressed concerns about it being shared. As most of us will know, once on the Internet it can be copied and shared. This is what happened.

As the digital ecosystem is new and does not directly impact on Indigenous world views, it is critical to understand both the technology and traditional knowledge. We are literally creating new Indigenous knowledge as new technologies are created and impact on our worlds.

Māori Data Governance

Māori Data Governance is the right of Māori, whānau, hapū, iwi and Māori organisations to autonomously decide what, how and why Māori data are collected, stored, accessed, and used.

Appointment a Māori Data governance Board. When appointing the board, beyond having regard to a person's knowledge of Māori cultural values, te ao Māori and mātauranga Māori, you should consider "whether the proposed member has the reputation amongst Māori in the community, in addition to skills, knowledge, or experience to participate effectively in the Board and contribute to achieving the purposes of the Board."

This will remove the decades long problem Māori have had in New Zealand with what we call the "Māori or brown tick box exercise". Where any Māori person who is known by the organisation is likely to be seen as a cultural expert and asked to participate. Likewise, in recent years Māori academics have been placed in the same awkward position.

As practitioners we know that in the western world data being anonymised. For non-Indigenous Peoples this where it stops as there are no privacy concerns and no way to identify the data.

Māori Data has a history, genealogical connections, and a spiritual connection to it. Similar to Māori art and other traditional customs that appear to unlearned people as art or music, is rich in data to a learned person.

It is also important that any data project or initiative is co governed, co designed, co-created and co- managed in partnership with Māori. In New Zealand, it is essential that any Data project has a Te Tiriti/Treaty of Waitangi clause. As we have seen in New Zealand, the best of intentions with Data lead projects can fail Māori and, in some instances, discriminate Māori.

MĀORI DATA SOVERIGNTY- DATASETS



Marae Data set

Increasingly the Crown are ignoring Māori data sovereignty partners, especially hapū and marae by choosing to work only with Iwi via the Iwi Leaders Forum under the auspices of the Mana Ōrite agreement. The Mana Ōrite agreement is a significant move forward in regard to Māori Data Sovereignty, but it does not consider that sovereignty given to hapū by Te Tiriti/The Treaty of Waitangi. More discussion in another post I wrote Māori Data Sovereignty Consultation Obligations.

These lists were compiled as a resource tool to assist marae gain sovereignty over their own data as opposed to the ever increasingly iwi data sovereignty rights. The traditional Marae list can be added to the Iwi and Hapū data sets.

Marae/Rūnanga Data Sovereignty refers to the inherent rights and interests of Marae/Rūnanga (individual or collectively) in relation to the creation, collection, access, analysis, interpretation, management, dissemination, re-use and control of data relating to a Marae/Rūnanga as inherited by whakapapa with mana atua, mana tangata and or reflected in He Whakaputanga and or Te Tiriti and provided recognition of rights with the United Declaration on the Rights Indigenous Peoples (Taiuru.K, 2020).

This article introduces three marae data sets:

- Traditional Marae Data Sovereignty Dataset which may be cited as “Taiuru, Karaitiana. (2021). Traditional Marae Data Sovereignty Dataset”.
- Non-Traditional Marae Data Sovereignty Dataset which may be cited as “Taiuru, Karaitiana. (2021). Non Traditional Marae Data Sovereignty Dataset”.
- Urban Marae Data Sovereignty Dataset which may be cited as “Taiuru, Karaitiana. (2021). Urban Marae Data Sovereignty Dataset”.

Download the Marae Dataset

The data sets are available from <https://github.com/ktaiuru>

Methodology

Three sources of truth were used to compile the Marae Data Sovereignty list.

1. Te Kāhui Māngai

The primary source of marae names were sourced from Te Kāhui Māngai created by Te Puni Kōkiri. Te Kāhui Māngai is a large dataset of marae, iwi, hapū and other relevant information that is based on information that has been recognised by the New Zealand Government as opposed to traditional Iwi, such as:

- Mandated Iwi Organisations and Recognised Iwi Organisations in the Māori Fisheries Act 2004; and
- Mandated bodies recognised for Treaty of Waitangi settlement purposes, including Treaty negotiations and post-settlement governance entities
- Iwi authorities and Groups that represent hapū for the purposes of the Resource Management Act 1991;
- National and Urban Māori organisations that have statutory associations with representative iwi organisations (“Other Organisations”); and
- Urban and Institutional Marae.

2. MaoriMaps.com

This web site was used to identify, when possible, further names that are not present in Te Kāhui Māngai.

Download the Hapū Data set

The Data Set this paper refers that is accessible from
<https://github.com/ktaiuru/Hap-Data-Sovereignty-Dataset-2.0-.->

Methodology

Five sources of truth were used to compile the Hapū Data Sovereignty list.

1. StatsNZ

The primary source of Iwi names was sourced from the StatsNZ Census 2018 Iwi names list. The StatsNZ primary numbering system has been duplicated for iwi so that any cross referencing to the StatsNZ list and future updates that reflect StatsNZ changes can seamlessly occur.

2. Waitangi Tribunal Reports

Many Iwi who have settled or are engaging with treaty negotiations identify who they are by means of geographical, ancestral and hapū connections. Therefore, the Waitangi Tribunal Reports were used as a primary source of truth for hapū names.

3. Iwi web sites

Where possible, hapū names were cross referenced with authenticated Iwi web sites that use the moderated iwi.nz domain name and publications. In several instances such as Tūhoe, their web site state up to 65 hapū but their own web site and tribunal reports showed less.

4. Te Kāhui Māngai

Te Kāhui Māngai created by Te Puni Kōkiri is a large dataset of marae, iwi, hapū and other relevant information that is based on information that has been recognised by the New Zealand Government as opposed to traditional Iwi, such as:

- Mandated Iwi Organisations and Recognised Iwi Organisations in the Māori Fisheries Act 2004; and
- Mandated bodies recognised for Treaty of Waitangi settlement purposes, including Treaty negotiations and post-settlement governance entities;
- Iwi authorities and Groups that represent hapū for the purposes of the Resource Management Act 1991;
- National and Urban Māori organisations that have statutory associations with representative iwi organisations (“Other Organisations”); and
- Urban and Institutional Marae.

The issue with only relying on such lists is that traditional iwi and hapū structures become ignored and not consulted in favour of those Iwi and hapū that choose to adapt their traditional and long-established kinship groups into western structures. The biggest risk with this as seen in America with the federally recognised tribes versus tribes that are not recognised tribes by the government. More than 200 tribes do not have federal recognition, affecting tens of thousands of tribal members in America alone. The U.S. government officially recognizes 574 tribes. Those unrecognised tribes get no financial assistance or even Covid 19 assistance while their recognised tribes did.

Hence Te Kāhui Māngai was used as a secondary source and for new mandated iwi information.

5. Iwi Hapū Names List from National Library

The National Library have their own iwi and hapū names list. The National Library state “... derived from the waka, iwi, and hapū names which had been used to describe collections in the Alexander Turnbull Library, and has been reviewed by Te Taura Whiri, the Māori Language Commission. The names listed are not a dictionary, and shouldn’t be seen as authoritative beyond their use in libraries and archives”.

This resource was important as it contains lists of hapū that are or were recognised by whānau, hapū and Iwi at some point.

6. MāoriMaps.com

This web site was used to identify, when possible, if a name was an Iwi or hapū and the geographic location.

Notes

1. Iwi names are listed by the geographic regions based on StatsNZ data.
2. Hapū are listed alphabetically.
3. Te Arawa has been added as a traditional Iwi whereas the Census list has divided Te Arawa by hapū and called them iwi and Iwi authorities.
4. 2018 Census list of Iwi that are not in this list:
 - Ngā Pōtiki ā Tamapahore Trust is a leading tribal organisation that serves the people of Ngā Pōtiki.
 - Ngāti Rongomai is recognised in Te Arawa as a Te Arawa iwi according to Te Puni Kōkiri
 - Te Hika o Pāpāuma is an Iwi authority that according to Te Puni Kōkiri
 - Ngāti Kearoa / Ngāti Tuarā are listed as an Iwi and as a Hapū according to Te Puni Kōkiri
 - Rereahu was removed from the list as it is Trust Maraeroa A & B (Land Block). All individuals who descend from the owners of the Maraeroa A and B Blocks, identified by the Native Land Court in 1886 and 1891. The descendants are of Ngāti Rereahu, Ngāti Maniapoto, Ngāti Kārewa, Ngāti Matakore, Ngāti Tūwharetoa and other neighbouring iwi.
 - Ngāti Rākaipaaka see Kahungunu
 - Te Hika o Pāpāuma is a marae that is now a registered Iwi authority
 - Te Paatu a hapū of Ngāti Kahu
 - Uenuku (Ruapehu, Waimarino) is a hapū of Te Āti Haunui-a-Pāpārangi.
5. Te Kawerau a Maki are the tangata whenua (people of the land) of Waitakere City, who hold customary authority or manawhenua within the city. Te Kawerau a Maki descend from the earliest inhabitants of the area. However, the Kawerau a Maki people have been a distinct tribal entity since the early 1600s, when their ancestor Maki and his people conquered and settled the district. <http://www.tekawerau.iwi.nz/history>
6. Ngāti Whātua o Kaipara is the name that was agreed upon by the majority of hapū and whānau of the five marae of south Kaipara (Reweti, Haranui, Kākānui, Araparera and Puatahi) during the claim and settlement process. This is the primary area of interest that Ngā Maunga Whakahii o Kaipara works within. The term Ngāti Whātua o Kaipara is not traditional and was adopted during the claim period to avoid confusion between Ngāti Whātua in Orakei, Ngāti Whātua from Te Uri o Hau and Ngāti Whātua in south Kaipara. Within the context of the Claims Settlement Act 2013, Ngāti Whātua o Kaipara means not only Ngāti Whātua but also Ngāti Whātua Tūturu, Te Tao Ū, Ngāti Rango (sometimes referred to as Ngāti Rongo), Ngāti Hine and Te Uri o Hau who exercised customary rights predominantly within the Ngāti Whātua o Kaipara area of interest shown above. <https://www.kaiparamoana.com/our-rohe> The name Ngāti Whātua o Kaipara is not traditional but has been adopted to avoid confusion between Ngāti Whātua in Ōrākei and Ngāti Whātua in south Kaipara.

7. Ngāi Tai ki Tāmaki (Ngāi Tai) are the original inhabitants and Iwi of Tāmaki Makaurau. The Iwi is based in Maraetai, Te Waitematā and Tikapa Moana, and exercises mana whenua and mana moana interests across Auckland and the Hauraki Gulf. Our main marae is Umupuia at Maraetai, and we have various marae connections across Mātaitai, Whataapaka and beyond. The Iwi has whakapapa and other relationships with Iwi in the Tāmaki Makaurau and Hauraki regions <https://www.ngaitaitamaki.iwi.nz/#OurStory>

8. Ngāti Tumutumu is a Māori iwi of New Zealand, named after the eponymous ancestor Te Ruinga, son of Tumutumu. They live at Te Aroha in the Hauraki District.

9. Ngāti Tara Tokanui signifies the compact which was formed through the intermarriage between Te Awapu of Ngāti Tara and Te Rae of Ngāti Hako. The iwi Ngāti Tara also whakapapa to Marama (Ngamarama) through, firstly, her marriage to Hoturoa and, secondly, through Tarawa of Ngāti Hako and Ngamarama <https://ngatitaratokanui.Māori.nz/>

10. Ngāi Tahu have the 18 Papatipu Rūnanga at the start of the list followed by an optional historical list of Ngāi Tahu hapū that are no longer formally recognised.

KAITIAKITANGA MĀORI DATA SOVERIGNTY LICENCES



Background

Māori Data Sovereignty rights is licences and legal agreements to use software and services which often allow the provider to claim full Intellectual Property Rights, copy and distribute your information. Such licenses are usually associated with social media service providers.

Māori Data Sovereignty must in addition to the physical location of Māori data, include the software/hardware/services licenses and country where the company and its parent company are located. Proprietary licenses and licenses that prevent or limit any access to the source code, Māori Data or by product of Māori data or that take any intellectual property rights to the Māori Data or by product of Māori data is a direct breach of Māori Data Sovereignty principles.

The use of proprietary licences with Māori Data could be considered the same as the natural resources and land that was confiscated during colonisation. While the natural environment and lands were protected by Māori who had an intimate knowledge of each aspect of the environment and who needed the natural environment to survive, tell their own stories of histories, whakapapa, lore's and much more. Then colonisation forced Māori to pay for the right to access and protect their own resources through confiscations, purchases, sales, transfers, rates, and legislation that removed many of the original rights and created a limited way knowledge could be kept and utilised.

The use of Social Licenses for Māori Data is often promoted within the New Zealand government exclusively for Iwi Data. The fundamental flaw with a Social License for Māori Data is that the rights of Māori Peoples, *hapū*, *whānau*, *Iwi* and Māori organisations are not recognised with Māori Data Sovereignty. Fundamentally, a social license has the potential to protect Māori Data, but it would require significant engagement with the relevant Māori societal groups.

Other potential licenses are Creative Commons which more closely align to Māori cultural practices with knowledge, including but not limited to *whakapapa*, *koha*, *hau*, *tapu* and *noa*. Consideration and collaboration could also be given to the living Kaitiakitanga License by Hiku Mediaⁱ.

There are currently no single solutions to recognise Māori Data Sovereignty and the protection of Māori genetic material. This creates the dire need for a Māori Data Sovereignty License that recognises to the full extent the rights and obligations to Māori Peoples, *Whānau*, *Hapū*, *Iwi* and Māori Organisations Data.

Māori data after consultation with Māori, *whānau*, *hapū* and *Iwi*, has been digitised, must be stored in New Zealand using appropriate software and services that recognise and respects the data as a *taonga*.

Introduction

This section introduces six new licence to protect Māori Data and recognise Māori Data Sovereignty rights today and for the next 1000 years. Māori Data Sovereignty principles are also updated to reflect Māori society and the Social Licence is reviewed as not appropriate for Māori and Indigenous Data.

Any discussion and consideration of Māori Data Sovereignty must include He Whakaputanga, Te Tiriti and the United Nations Declaration on the Rights of Indigenous Peoples principles and guaranteed rights to Māori Peoples in addition to Māori societal hierarchy.

In traditional Māori society, there is no notion of the western concept of 'ownership'. Māori view themselves as the collective interim guardian of the physical and spiritual environment. In this digital society, that now includes data.

Every individual Māori person is a descendant of an ancestor who is Māori. Through that ancestor each individual Māori person has a genealogical connection to at least one: hapū (clan), iwi (tribe), whānau (family group), waka (ocean voyaging vessel), marae (ancestral meeting house), and land.

Most Māori have multiple genealogical connections to multiple ancestors, hapū, iwi, marae, and land. Each individual, whānau, hapū and Iwi make up the myriad of Māori organisations and groups.

Māori today identify with land, whānau, iwi, hapū, waka, marae and ancestors in their pepeha. Future generations of Māori will include their relationships to data and likely AI systems and algorithms, as they increasingly continue to utilise and rely on Māori data.

There is an urgent need for government to consult with wider Māori communities regarding Māori constitutional Te Tiriti rights, and to consider how to implement the United Nations Declaration on the Rights of Indigenous Peoples²⁶ to manage and work in partnerships with Māori communities for the sovereignty of their own taonga/treasures (Data).

Failure to do so may end with repatriation claims, new claims to the Waitangi Tribunal²⁷ in a similar manner that Māori now take disputes over land to be rectified and compensated for breaches of Te Tiriti.

All aspects of Māori society must acknowledge that data is a Taonga and consider that data also considers that DNA is data.

²⁶ <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>

²⁷ <https://waitangitribunal.govt.nz/>

Social Licences are incompatible with te ao Māori

Some government agencies incorrectly use a 'Social Licence' for Māori Data and their commitment to Māori Data Sovereignty.

A Social Licence is a direct contradiction of the Māori Data Sovereignty Principles including of Tikanga, Kawa and Mātauranga Māori and the obligations of generations to act as Kaitiaki, as opposed to western ownership models.

"The Social License has been defined as existing when a project has the ongoing approval within the local community and other stakeholders, ongoing approval or broad social acceptance and, most frequently, as ongoing acceptance" (Social Licence, 2020).

In the MPI Primary Growth Partnership newsletter, Jamieson (2015, p. 1) noted that: "In a nutshell, if a company or organization has social licence to operate it means they have the support and trust of their customers and the public. It's about gaining community and public acceptance for the work that you do".

The key issue is that no Crown Agency or department can claim to have the support and trust of Iwi, hapū, whānau, Marae and Māori individuals or groups. If they did, there would be no such thing as the Waitangi Tribunal²⁸, reforms of government agencies, no accusations of discrimination by Crown organisations and Te Tiriti would be so firmly established in New Zealand society, we would all be comfortable in a bicultural/bilingual society with a mixture of Māori and Western values. We don't, and we are generations away from being at this stage.

Using a social license with Māori Data also implies that there has been significant consultation with iwi, hapū, whānau, marae and Māori organisations and individuals highlighting the misunderstandings about modern day Māori societal structure²⁹.

There is no one representative group to represent Māori, hapū, iwi, whānau, marae and rūpū Māori. Each iwi are autonomous from each other as are their marae and hapū with most Iwi not having elections to elect representatives.

A social licence also ignores the independent sovereign nation status that the Crown guaranteed to the Māori iwi who signed the Declaration of Independence³⁰.

²⁸ <https://waitangitribunal.govt.nz/>

²⁹ <https://www.taiuru.maori.nz/maori-data-sovereignty-consultation-issues/>

³⁰ <https://nzhistory.govt.nz/culture/declaration-of-independence-taming-the-frontier>

Modern Day Māori society

Building on top of the traditional Māori society platform is a range of new Māori groups and collectives' data that must be considered in addition to the traditional Māori society platform.

All of these groups have their own internal leadership structures are comprise of Māori individuals, groups, whanau, hapū, iwi, marae, kaumātua:

- Pan-iwi/Māori representative bodies such as: National Urban Māori Authority, Federation of Māori Authorities, Māori Women's Welfare League
- Rūnanga
- Māori Council
- Religious Groups such as Ratana, Hauhau, Ringatu
- Iwi based organisations who are not recognised as Iwi such as Wakatū Incorporation, Wellington Tenths Trust.
- Post Settlement Iwi corporations such as Te Runanga o Ngai Tahu, Waikato, Te Ohu Kaimoana
- Non-Traditional Iwi groups for those who do not know their Iwi or who live away from their Iwi such as Ngā Maatawaka ki Ōtautahi, Te Whānau O Waipareira Trust
- Legislative Māori bodies such as the Māori Council and Māori Wardens
- Kingitanga Movement
- Māori Organisations such as sports clubs, not for Profits, charitable Trusts
- Education groups: Kōhanga Reo, Kura Kaupapa Māori, Māori medium school, Wānanga, Māori Student Associations
- Māori Land groups: Ahu Whenua Trust, Kaitiaki Trust, Māori Incorporation, Māori Reservation, Pūtea Trust, Whānau Trust, Whenua Tōpū Trust
- Political groups such as the Māori Party
- Treaty of Waitangi Claimants
- Māori Social and Health providers and community groups
- Fraternities and social groups including gangs
- Advisory Groups including Māori experts, kaumātua
- Māori Professional and Interest groups
- Māori owned companies
- Iwi leaders Forum
- Iwi based kaumātua council such as Tūhoe

Traditional Māori Society (Physical)

Traditional Māori society is the foundation for today's modern Māori society. Every individual person's data has a whakapapa connection that is multi directional from the Tipuna to the whānau, hapū, iwi and the individual.

Traditional knowledge states that Māori left Polynesia in multiple voyages in multiple waka to settle their new homes in New Zealand. Hence, on the waka is a number of family members. Upon arriving in New Zealand, those family members explored the land and settled in their clans under the mantle of their primary tribe. Each clan explored and named landscapes and environment in their geographic locations. There were significant intermarriages, land wars and merging of clans and tribes for survival.

The physical genealogy of every Māori person at least includes the following relationships as does their data:

- Tipuna
- Waka
- Iwi
- Rangatira (multiple classes: Chiefs)
- Tohunga (Spiritual Experts)
- Kaumātua (Learned old people)
- Upoko (Head of a whānau, hapū or Iwi)
- Marae
- Village
- Hapū
- Whānau (Family: Tuakana/Teina)
- Individual Person

Māori Data Sovereignty must in addition to the physical location of Māori data, include the software/hardware/services licenses. Proprietary licenses and licenses that prevent or limit any access to the source code, Māori Data or by product of Māori data or that take any intellectual property rights to the Māori Data or by product of Māori data is a direct breach of Māori Data Sovereignty principles.

The use of proprietary licences with Māori Data could be considered the same as the natural resources and land that was confiscated during colonisation. While the natural environment and lands were protected by Māori who had an intimate knowledge of each aspect of the environment and who needed the natural environment to survive, tell their own stories of histories, whakapapa, lore's and much more. Then colonisation forced Māori to pay for the right to access and protect their own resources through confiscations, purchases, sales, transfers, rates, and legislation that removed many of the original rights and created a limited way knowledge could be kept and utilised.

The use of Social Licenses for Māori Data is often promoted with government exclusively for Iwi Data. The fundamental flaw with a Social License for Māori Data is that the rights of Māori Peoples, hapū, whānau, Iwi and Māori organisations are not recognised with Māori Data Sovereignty. Fundamentally, a social license has the potential to protect Māori Data, but it would require significant engagement with the relevant Māori societal group.

Other potential licenses are Creative Commons which more closely align to Māori cultural practices with knowledge, including but not limited to whakapapa, koha, hau, tapu and noa. Consideration and collaboration could also be given to the living Kaitiakitanga License by Hiku Media³¹.

There are currently no single solutions to recognise Māori Data Sovereignty creating a dire need for a Māori Data Sovereignty License that recognises to the full extent the rights and obligations to Māori Peoples, Whānau, Hapū, Iwi and Māori Organisations Data.



³¹ <https://github.com/TeHikuMedia/Kaitiakitanga-License/blob/master/LICENSE.md>

Kaitiakitanga; Māori Data Sovereignty Licence 1.1

Preamble

Māori Data Sovereignty refers to the inherent rights and interests of Māori, whānau, hapū, marae, iwi and Māori organisations have in relation to the creation, collection, access, analysis, interpretation, management, dissemination, re-use and control of data relating to Māori, whānau, hapū, marae, iwi and Māori organisations as guaranteed in He Whakaputanga and or Te Tiriti and the provided recognition of rights with the United Nations Declaration on the Rights of Indigenous Peoples (Taiuru, K. 2020).

Whakapapa

The following licence was originally written by Te Hiku Media and modified slightly to allow for and recognise Māori Data Sovereignty rights using traditional Māori law in respect of Māori data.

The intention is that this can be modified or applied directly to any whānau/hapū/Marae/Iwi/Māori Organisation/Group data.

Explanation

Kaitiaki is a Māori word without specific English translation, but its meanings are similar to the word's: guardian, protector, and custodian. In this context we protect the Māori data in this repository and will provide access to the data as we (Māori) deem fit through our own tikanga and kawa (customs and protocols).

While we recognise the importance of open-source technologies, Creative Commons and Open Data, we're mindful that the majority of tangata whenua and other Indigenous Peoples may not have access to the resources that enable them to benefit from open source technologies, Creative Commons and Open Data.

As tangata whenua, our ability to grow, develop, and innovate has been stymied through colonisation. We must protect our ability to grow as tangata whenua. By simply open sourcing, open Data or applying Creative Commons to our data and knowledge, we further allow ourselves to be colonised digitally in the modern world.

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Kaitiakitanga of Content

The kaitiakitanga of all data remains with the respective whānau/hapū/marae/iwi/Māori organisation/group. Data may be freely used and distributed with the licence attached but may not be sold or used for commercial purposes.

Kaitiakitanga; Iwi Data Sovereignty License 1.1

Preamble

Iwi Data Sovereignty refers to the inherent rights and interests of Māori, whānau, hapū, iwi, marae and Māori organisations have in relation to the creation, collection, access, analysis, interpretation, management, dissemination, re-use and control of data relating to Māori, whānau, hapū, iwi and Māori organisations as guaranteed in He Whakaputanga and or Te Tiriti and the provided recognition of rights with the United Nations Declaration on the Rights of Indigenous Peoples (Taiuru, K. 2020).

Whakapapa

The following licence was originally written by Te Hiku Media and modified slightly to allow for and recognise Iwi Data Sovereignty rights using traditional Māori law in respect of Iwi data.

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Explanation

Kaitiaki is a Māori word without specific English translation, but its meanings are similar to the word's: guardian, protector, and custodian. In this context we protect the iwi data in this repository and will provide access to the data as we (iwi) deem fit through our own tikanga and kawa (customs and protocols).

While we recognise the importance of open-source technologies, Creative Commons and Open Data, we're mindful that the majority of tangata whenua and other Indigenous Peoples may not have access to the resources that enable them to benefit from open source technologies, Creative Commons and Open Data.

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Kaitiakitanga of Content

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Kaitiakitanga; Hapū Data Sovereignty Licence 1.1

Preamble

Hapū Data Sovereignty refers to the inherent rights and interests of Māori, whānau, hapū, iwi, marae, and Māori organisations have in relation to the creation, collection, access, analysis, interpretation, management, dissemination, re-use and control of data relating to Māori, whānau, hapū, iwi and Māori organisations as guaranteed in He Whakaputanga and or Te Tiriti and the provided recognition of rights with United Nations Declaration on the Rights of Indigenous Peoples (Taiuru, K. 2020).

Whakapapa

The following licence was originally written by **Te Hiku Media** and modified slightly to allow for and recognise Hapū Data Sovereignty rights using traditional Māori law in respect of Hapū data.

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Explanation

Kaitiaki is a Māori word without specific English translation, but its meanings are similar to the word's: guardian, protector, and custodian. In this context we protect the hapū data in this repository and will provide access to the data as we (hapū) deem fit through our own tikanga and kawa (customs and protocols).

While we recognise the importance of open-source technologies, Creative Commons and Open Data, we're mindful that the majority of tangata whenua and other Indigenous Peoples may not have access to the resources that enable them to benefit from open source technologies, Creative Commons and Open Data.

As a hapū, our ability to grow, develop, and innovate has been stymied through colonisation. We must protect our ability to grow as a hapū. By simply open sourcing, open Data or applying Creative Commons to our data and knowledge, we further allow ourselves to be colonised digitally in the modern world.

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Kaitiakitanga of Content

The kaitiakitanga of all data remains with the respective hapū. Data may be freely used and distributed with the licence attached but may not be sold or used for commercial purposes.

Kaitiakitanga; Marae/Rūnanga Data Sovereignty Licence 1.1

Preamble

Marae/Rūnanga Data Sovereignty refers to the inherent rights and interests of Māori, whānau, hapū, iwi, marae and Māori organisations have in relation to the creation, collection, access, analysis, interpretation, management, dissemination, re-use and control of data relating to Māori, whānau, hapū, iwi and Māori organisations as guaranteed in He Whakaputanga and or Te Tiriti and the provided recognition of rights with the United Nations Declaration on the Rights of Indigenous Peoples (Taiuru, K. 2020).

Whakapapa

The following licence was originally written by Te Hiku Media and modified slightly to allow for and recognise Marae Data Sovereignty rights using traditional Māori law in respect of Iwi data.

The intention is that this can be modified or applied directly to any whānau/hapū/marae/iwi/Māori organisation/group data.

Explanation

Kaitiaki is a Māori word without specific English translation, but its meanings are similar to the word's: guardian, protector, and custodian. In this context we protect the marae data in this repository and will provide access to the data as we (the marae) deem fit through our own tikanga and kawa (customs and protocols).

While we recognise the importance of open-source technologies, Creative Commons and Open Data, we're mindful that the majority of tangata whenua and other Indigenous Peoples may not have access to the resources that enable them to benefit from open source technologies, Creative Commons and Open Data.

As a marae, our ability to grow, develop, and innovate has been stymied through colonisation. We must protect our ability to grow as a marae. By simply open sourcing, open Data or applying Creative Commons to our data and knowledge, we further allow ourselves to be colonised digitally in the modern world.

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Kaitiakitanga of Content

The kaitiakitanga of all data remains with the respective marae. Data may be freely used and distributed with the licence attached but may not be sold or used for commercial purposes.

Kaitiakitanga; Rōpū Māori Data Sovereignty Licence 1.1

Preamble

Rōpū Māori Data Sovereignty refers to the inherent rights and interests of Māori organisations (commercial, not for profit, collectives, representatives, consortiums) have in relation to the creation, collection, access, analysis, interpretation, management, dissemination, re-use and control of data relating to Māori organisations, Māori Peoples as inherited by whakapapa with mana atua, mana tangata and or guaranteed to Māori Peoples members in He Whakaputanga, Te Tiriti and the provided recognition of rights with the United Nations Declaration on the Rights of Indigenous Peoples.

Whakapapa

The following licence was originally written by Te Hiku Media and modified slightly to allow for and recognise Rōpū Māori Data Sovereignty rights using traditional Māori law in respect of rōpū Māori data.

The intention is that this can be modified or applied directly to any whānau/hapū/marae/iwi/Māori organisation/group data.

Explanation

Kaitiaki is a Māori word without specific English translation, but its meanings are similar to the word's: guardian, protector, and custodian. In this context we protect the rōpū Māori data in this repository and will provide access to the data as we (the rōpū Māori) deem fit through our own tikanga and kawa (customs and protocols).

While we recognise the importance of open source technologies, Creative Commons and Open Data, we're mindful that the majority of tangata whenua and other Indigenous Peoples may not have access to the resources that enable them to benefit from open source technologies, Creative Commons and Open Data.

As a rōpū Māori, our ability to grow, develop, and innovate has been stymied through colonisation. We must protect our ability to grow as a Rōpū Māori. By simply open sourcing, open Data or applying Creative Commons to our data and knowledge, we further allow ourselves to be colonised digitally in the modern world.

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Kaitiakitanga of Content

The kaitiakitanga of all data remains with the respective rōpū Māori. Data may be freely used and distributed with the licence attached but may not be sold or used for commercial purposes.

Kaitiakitanga of Whānau Māori Data Sovereignty License 1.1

Preamble

Whānau Māori Data Sovereignty refers to the inherent rights and interests whānau Māori have in relation to the creation, collection, access, analysis, interpretation, management, dissemination, re-use, and control of data relating to whānau Māori as inherited by whakapapa with mana atua, mana tangata and as guaranteed in He Whakaputanga and or Te Tiriti and the provided recognition of rights with the United Nations Declaration on the Rights of Indigenous Peoples.

Whakapapa

The following licence was originally written by Te Hiku Media and modified slightly to allow for and recognise Whānau Māori Data Sovereignty rights using traditional Māori law in respect of whānau Māori data.

The intention is that this can be modified or applied directly to any whānau/hapū/marae/iwi/Māori organisation/group data.

Explanation

Kaitiaki is a Māori word without specific English translation, but its meanings are similar to the word's: guardian, protector, and custodian. In this context we protect the whānau Māori data in this repository and will provide access to the data as we (the whānau Māori) deem fit through our own tikanga and kawa (customs and protocols).

While we recognise the importance of open-source technologies, Creative Commons and Open Data, we're mindful that the majority of tangata whenua and other Indigenous Peoples may not have access to the resources that enable them to benefit from open source technologies, Creative Commons and Open Data.

As whānau Māori, our ability to grow, develop, and innovate has been stymied through colonisation. We must protect our ability to grow as a whānau Māori. By simply open sourcing, open Data or applying Creative Commons to our data and knowledge, we further allow ourselves to be colonised digitally in the modern world.

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Kaitiakitanga of Content

The kaitiakitanga of all data remains with the respective whānau Māori. Data may be freely used and distributed with the licence attached but may not be sold or used for commercial purposes.

GLOSSARY

Hapū

Pre-colonisation and still in many areas of New Zealand, a hapū is/was a significant political unit consisting of a number of whānau existed as independent colonies spread over a wide area and interspersed with groups from other iwi.

Iwi

A collective of a number of whānau and hapū that trace their ancestry to a common ancestor. An Iwi usually is comprised of two or more hapū, although a number of smaller iwi have marae but no hapū.

Electoral Iwi Organisation and Other Māori Organisation

For the purposes of sections 111A to 111F of the Electoral Act 1993, iwi organisation and other Māori organisation means any organisation listed in the Schedule.

Institutional marae

These marae are specifically associated with a local school, polytechnic, university, church, branch of the armed forces, social service provider, or other institution.

Iwi Authority/Other Iwi Authority

The term “iwi authority” is defined in the RMA only for the purposes of that Act. An iwi authority is not, therefore, necessarily the same thing as other representative iwi organisations recognised by the Crown. Consequently, entry as an “Other Iwi Authority” does not in itself specifically imply formal Crown recognition of that group as an iwi, nor formal Crown recognition of that “iwi authority” to act on behalf of that group.

Iwi Aquaculture Organisation (IAO)

Iwi Aquaculture Organisation under the Māori Commercial Aquaculture Claims Settlement Act 2004 an iwi aquaculture organisation is also a mandated iwi organisation under the Māori Fisheries Act 2004, authorised to act on behalf of its iwi in relation to aquaculture claims and aquaculture settlement assets.

Iwi authority

Resource Management Act consultation the authority which represents an iwi for the purposes of the Resource Management Act 1991 (RMA) and which is recognised by that iwi as having authority to do so. Note that the term “iwi authority” is defined in the RMA only for the purposes of that Act. This does not in itself specifically imply formal Crown recognition of that group as an iwi, nor formal recognition by the Crown of that “iwi authority” to act on behalf of that iwi.

Mana whenua

A hapū, marae or Iwi who have authority via genealogy and history to a geographic area.

Mandated iwi organisation in the Māori Fisheries Act (MIO)

Recognised iwi organisation in the Māori Fisheries Act 2004 when a recognised iwi organisation has met the governance criteria set out in the Māori Fisheries Act it is entitled to receive fisheries assets as the mandated iwi organisation for that iwi. There can be only one mandated iwi organisation per iwi.

Marae

A traditional meeting place for whānau, hapū and iwi members usually characterised by a named wharenui [meeting house] and named wharekai [dining house]. Some marae are more commonly known by the name of their wharenui, which is usually named after a tupuna [ancestor].

Non-Tribal Marae (Urban & Institutional)

These marae are not based on whakapapa. Urban Marae are typically pan-tribal and server the wider community.

Institutional Marae are specifically associated with a local school, polytechnic, university, church, branch of the armed forces, social service provider, or other institution.

Post-Treaty settlement governance entity

Post-Treaty settlement governance entity the representative organisation established after a Treaty settlement with the Crown that has the purpose of representing the iwi members and managing any assets resulting from the settlement.

Recognised iwi in the Māori Fisheries Act

Recognised iwi in the Māori Fisheries Act 2004. the Act identified a finite list of iwi for the purposes of allocation of fisheries assets; the list is comprehensive and means that all Māori can affiliate by whakapapa to at least one iwi.

Representative Māori Organisation in the Māori Fisheries Act 2004

Representative Māori Organisation in the Māori Fisheries Act 2004 under section 29 of the Māori Fisheries Act 2004 a Representative Māori Organisation is entitled to participate in the procedures to appoint or remove a member or alternate member of Te Kawai Taumata as provided for in Schedule 8, and to appoint a member of any committee of representatives established under section 116.

Recognised iwi organisation in the Māori Fisheries Act (RIO)

Recognised iwi organisation in the Māori Fisheries Act 2004. an organisation recognised by Te Ohu Kai Moana Trustee Limited under section 27 as representing a particular iwi but not to receive fisheries assets; each iwi can have only one recognised iwi organisation; see Schedule 4 of the Act for the full list.

Representative Organisation

The organisation which holds a mandate to represent the specific kinship groups [hapū and iwi] identified on that web page.

Taurahere

A group of iwi members in a city that they are not manawhenua.

Tribal Marae

These marae are linked to iwi/hapū/whānau through whakapapa. The web site www.Māorimaps.com can be accessed to find information on associated hapū and iwi marae.

Urban marae

Are non-traditional marae, not specifically associated with any particular hapū, although the mana whenua of the hapū / iwi at the marae site is often acknowledged. They often serve as meeting places for the wider community and may commonly also be called Community; Ngā Hau e Whā; Ngā Mātā Waka; or Pan-tribal marae.

Whānau

For the purposes of this document, the term “whānau’ is translated as ‘family’. Whānau is based on a Māori and a tribal world view with a common ancestor and or atua.

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